International Labour Conference
88th Session 2000

Report VI (2)

Safety and health in agriculture

International Labour Office Geneva

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LIST OF RECURRING ABBREVIATIONS

Algeria	CAP	Algerian Confederation of Employers
	CNA	National Chamber of Agriculture
Argentina	UATRE	Argentinian Union of Rural Workers and Stevedores
Australia	ACCI	Australian Chamber of Commerce and Industry
Austria	BAK	Federal Chamber of Labour
	PKLK	Presidents' Conference of the Chambers of Agriculture of Austria
	LAKT	Austrian Chamber of Farmers
	ÖGB	Austrian Confederation of Trade Unions
Azerbaijan	ATUC	Azerbaijan Trade Unions Confederation
Barbados	BEC	Barbados Employers' Confederation
	BWU	Barbados Workers' Union
Belgium	CNT	National Labour Council
Botswana	BFTU	Botswana Federation of Trade Unions
Brazil	FUNDACENTRO	Jorge Duprat Figueiredo Occupational Safety and Health Foundation
	FS	Força Syndical
	CNT	National Confederation of Transport
Canada	CLC	Canadian Labour Congress
China	ACFTU	All-China Federation of Trade Unions
Colombia	SAC	Colombian Farmers' Association
Croatia	CEA	Croatian Employers' Association
	UAFPTIW	Union of Agriculture, Food Processing and Tobacco Industry Workers
Cyprus	PEO	Pan-Cyprian Federation of Labour
Czech Republic	CACC	Confederation of Agriculture Cooperatives and Companies

	TUWAF	Trade Union of Workers in Agriculture and Food
Denmark	SiD	General Workers' Union in Denmark
Dominica	WAWU	Waterfront and Allied Workers' Union
Egypt	FETU	Federation of Egyptian Trade Unions
Finland	FAE	Federation of Agricultural Employees
	LTK	Employers' Federation of Service Industries
	MTK	Central Union of Agricultural Producers and Forest Owners
	TT	Confederation of Finnish Industry and Employers
	SAK	Central Organization of Finnish Trade Unions
France	MEDEF	Movement of French Enterprises
	CFDT	French Democratic Confederation of Labour
	CFTC	French Confederation of Christian Workers
	FGA	General Agro-Food Federation
Germany	BDA	Confederation of German Employers' Associations
	DGB	German Confederation of Trade Unions
Ghana	TUC	Trades Union Congress
Greece	PASEGES	Pan-Hellenic Confederation of Agricultural Cooperatives' Unions
India	NFITU	National Front of Indian Trade Unions
Iraq	GFTU	General Federation of Trade Unions
Jamaica	SPFJ	The Sugar Producers' Federation of Jamaica
	JCTU	Jamaica Confederation of Trade Unions
Japan	JTUC-RENGO	Japanese Trade Union Confederation
Kenya	FKE	Federation of Kenya Employers
	COTU	Central Organization of Trade Unions
Lebanon	ACCIA	Association of Chambers of Commerce, Industry and Agriculture
Malawi	MCTU	Malawi Congress of Trade Unions
Malaysia	MAPA	Malaysian Agricultural Producers' Association
	NUPW	National Union of Plantation Workers

Mauritius	MEF	Mauritius Employers' Federation
Mozambique	SINTAF	National Trade Union of Agricultural and Forestry Workers
New Zealand	NZEF	New Zealand Employers' Federation
	NZCTU	New Zealand Council of Trade Unions
Norway	NHO	Confederation of Norwegian Business and Industry
	LO	Norwegian Confederation of Trade Unions
Pakistan	PNFTU	Pakistan National Federation of Trade Unions
Philippines	NTA	National Tobacco Administration
	ILS	Institute of Labour Studies
	PAKISAMA	National Movement for Farmers
	AMMMA-KATIPUNAN	Organization of Farmers, Fishermen and Agricultural Workers
Portugal	CCP	Confederation of Portuguese Business
	CAP	Confederation of Farmers of Portugal
	CGTP-IN	General Confederation of Portuguese Workers
South Africa	BSA	Business South Africa
Spain	ASAJA	Young Farmers' Agricultural Association
Sri Lanka	LJEWU	Lanka Jathika Estate Workers' Union
Switzerland	USP/SBV	Swiss Farmers' Union
	USS/SGB	Swiss Federation of Trade Unions
Turkey	TÜRK-IS	Confederation of Turkish Trade Unions
	HAK-IS	The Confederation of Turkish Real Trade Unions
Uganda	FUE	Federation of Uganda Employers
	KSW	Kinyara Sugar Works Limited
	TMTC	Toro and Mityana Tea Co. Ltd.
	UNFA	Uganda National Farmers Association
	UTA	Uganda Tea Association
Ukraine	FTUU	Federation of Trade Unions of Ukraine
United Kingdom	TUC	Trades Union Congress
United States	USCIB	United States Council for International Business
Venezuela	CODESA	Confederation of Autonomous Trade Unions

INTRODUCTION

At its 271st Session (March 1998) the Governing Body decided to place the question of safety and health in agriculture on the agenda of the 88th Session (2000) of the International Labour Conference.

In accordance with article 39 of the Standing Orders of the Conference, which deals with the preliminary stages of the double discussion procedure, the Office drew up a preliminary report,[1] intended to serve as the basis for the first discussion of this question. This report contains the introduction to the question and an analysis of the law and practice in agriculture in various countries. It was accompanied by a questionnaire and communicated to the governments of the member States of the ILO, which were invited to send their replies so as to reach the Office by 30 June 1999 at the latest.

At the time of drawing up this report, the Office had received replies from the governments of the following 85 member States:[2] Algeria, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela and Viet Nam.

The attention of governments was drawn to article 39, paragraph 1, of the Standing Orders of the Conference, in which they are requested "to consult the most representative organizations of employers and workers before finalizing their replies". Governments were asked to indicate which organizations had been so consulted.

The governments of the following 57 member States reported that their replies had been drawn up after consultation with employers' and workers' organizations (and some included in their replies — or referred to — the opinions expressed on certain points by these organizations): Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Costa Rica, Croatia, Cuba, Denmark, Ecuador, Egypt, El Salvador, Finland, Georgia, Ghana, Guatemala, Hungary, India, Ireland, Italy, Japan, Kenya, Lebanon, Lithuania, Malaysia, Mali, Republic of Moldova,

[1] ILO: *Safety and health in agriculture*, Report VI(1), International Labour Conference, 88th Session 2000 (Geneva, 1999).

[2] Replies that arrived too late to be included in the report may be consulted by delegates at the Conference

Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Portugal, Romania, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela and Viet Nam.

Other governments sent the observations from employers' and workers' organizations separately without referring to them, and in some instances replies were received directly at the Office. Certain governments also consulted other relevant authorities, such as ministries of agriculture, health and environment, for the preparation of their replies — some of which replied directly to the questionnaire. In a few cases, various departments within the Ministry of Labour sent separate replies which have been recorded in the commentaries to each question. A number of governments did not reply to the questionnaire, but the workers' and employers' organizations in their countries did; their replies have also been included in the commentaries to each question.

This report has been drawn up on the basis of the replies received, the substance of which, together with brief commentaries, is given in the following pages. The proposed conclusions appear at the end of the report.

If the Conference decides that it is advisable to adopt one or more international instruments, the Office will draw up, on the basis of the Conclusions adopted by the Conference, one or more draft instruments to be submitted to governments. It will then be for the Conference to make a final decision on the subject at a future session.

REPLIES RECEIVED AND COMMENTARIES

This section contains the substance of the general observations made by governments and of the replies to the questionnaire contained in Report VI(1), as well as of replies received from employers' and workers' organizations.

Each question is reproduced and followed by a list indicating the governments that replied to it, grouped in accordance with the nature of the replies (affirmative, negative or other). Whenever there is an observation from a government, an employers' organization or a workers' organization qualifying or explaining the reply, the substance of each observation is given, in alphabetical order by country, after the above-mentioned list. Where a reply deals with several questions, or refers to an earlier question, the substance of the reply is given where appropriate. Affirmative or negative replies from the employers' and workers' organizations which were not accompanied by comments are quoted only when they are contrary to the reply from the government, or when the government has not replied to the question. The summary of the observations on each question is followed by a brief Office commentary referring to the relevant point (or points) of the proposed conclusions at the end of this report.

A number of countries stated that the preliminary report constituted a satisfactory basis for discussion and made general comments without answering specific questions. Some governments reported on their national law and practice; others provided detailed information on their countries' situation concerning agriculture. While this is most useful for the work of the Office, this information has not been reproduced unless it is necessary for the understanding of the reply.

In reply to Question 3 a number of governments and employers' organizations expressed their preference for a Recommendation only, but nevertheless replied to subsequent questions which concern the content of a Convention; their observations should be understood accordingly. A few governments stated that they would prefer a general framework, such as that provided by the Occupational Safety and Health Convention, 1981 (No. 155), rather than sectoral standards. At this point, the Office feels it relevant to recall that it was the Governing Body itself, at its March 1998 session, which decided to include this item in the agenda of the 88th Session of the International Labour Conference. As mentioned in the Report of the Director-General to the 85th Session of the International Labour Conference:[3] "The temptation is great indeed to prescribe merely the adoption of 'national policies' as a means to meet goals defined in such a general way that they leave scope for complete freedom of action — or create confusion about how they may be accomplished." A limited number of countries have a comparative advantage in the field of safety and health in agriculture, as they have sufficient provision and complementary guidelines and codes of practice. They can therefore ensure enforcement and carry out preventive action on the basis of frame-

[3] ILO: *The ILO, standard setting and globalization*, Report of the Director-General, International Labour Conference, 85th Session, Geneva, 1997, p. 42.

work laws and a well-established system. However, in the majority of the countries where agricultural workers represent a high proportion of the population, such a legal framework is inadequate or inexistent. The Office feels that in this particular case the general policy guidance intended for a Convention should be drafted in sufficiently specific terms as to be able to give rise to the appropriate and adequate rights and obligations.

The Office noted the substantial participation of rural workers' organizations both in the national tripartite consultations for the preparation of the replies and in the fair number of direct replies to the questionnaire. The International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers (IUF) actively promoted a widespread consultation process among their members for the preparation of the replies, which proved to be positive.

General observations

Australia. Australia does not support the development of sectoral Conventions unless there are compelling reasons to do so. An exception is the Safety and Health in Mines Convention, 1995 (No. 176), which was justified in view of the special and unique dangers inherent in mining occupations. In the present case, there are no forceful reasons why a sectoral Convention or Recommendation should be adopted. The ILO's core Convention on safety and health, the Occupational Safety and Health Convention, 1981 (No. 155), and its accompanying Recommendation (No. 164) apply to all branches of economic activity, including agriculture. They also establish principles and standards relevant to other matters raised in the questionnaire. In view of the comprehensive prescription of safety and health standards by Convention No. 155 and Recommendation No. 164, if a new instrument is to be adopted, it should be a Recommendation which supplements the above-mentioned Convention and Recommendation. Concerning questions 5-41, if there is to be a Recommendation, it should focus strictly on agricultural activities and not deal with any matters that are already addressed in the provisions of Convention No. 155 and Recommendation No. 164.

Belgium. CNT: The Council stresses that, when both drafting and implementing the envisaged standards, attempts should be made to try and incorporate them in the overall policy of the sector and ensure their consistency with existing standards as a whole.

India. The application of biotechnology in agriculture is on the increase. The hazards inherent in this trend, as well as the consequent safety and health hazards for agricultural workers, are being documented mainly in developed countries. A greater awareness of the biological repercussions on human beings, animals and crops have now created a movement of resistance among the public and activists in the developed countries and, consequently, these technologies are being tested in the developing countries where the illiterate and poor agricultural workers are used as guinea pigs. Bio-safety procedures in developing countries are relatively low and, as such, safety and health concerns have not received adequate attention. The proposed instrument should therefore also emphasize the need to adopt and implement internationally accepted bio-safety standards and regulations. In many developed countries agriculture has emerged as an organized activity and agricultural workers are governed by labour laws and regulations and provided with social security and protection. On the other hand, the agriculture sector in developing countries constitutes the largest section in the informal sector; indeed it is

mostly beyond the realm of labour laws and regulations and social security. It has been the practice in the recent past to adopt very prescriptive and detailed Conventions. However, these Conventions have not been easily accepted and widely ratified because of their prescriptive nature. The ILO should thus adopt a framework Convention, leaving the details of the implementation to national governments in consultation with representatives of workers and employers, as well as others concerned. An accompanying Recommendation giving details of the procedures to be followed is not considered necessary.

NFITU: It is extremely necessary that the ILO should adopt an instrument in the form of a Convention to provide all workers in agriculture with the same level of health protection as those in other sectors of economic activity. Needless to say, the term "agriculture" should have a wide connotation and include all activities, including those supporting the rural "unorganized" economy — regardless of its size or nature and irrespective of the category of worker, whether they are migrant, landless, seasonal or temporary workers, sharecroppers or tenants. Given that agricultural activities and the health and safety awareness of agricultural workers may differ from country to country, from region to region and from time to time, the proposed Convention should provide for flexibility in its application. Excessive hours of work, the carrying of heavy loads and fatigue, and the employment of children and the elderly should be clearly defined and restricted to reasonable limits. Agricultural workers should be brought under the coverage of insurance, pensions, education for children and other similar welfare measures and social security benefits. The Convention should also provide for the setting-up of equipped medical centres at accessible locations where the workers may receive immediate and emergency medical aid, whenever necessary.

New Zealand. The Government does not support the adoption of ILO instruments on safety and health in agriculture. It does not believe that special instruments should be set for specific sectors of the workforce but rather that minimum universal standards should be established to provide a framework of minimum protection for workers' employment and working conditions across all sectors. It considers that the outcome sought is healthy and safe workers, and that the wide variety of work circumstances requires a systematic and general, rather than a piecemeal and specific, response. However, should the ILO proceed with the adoption of instruments on safety and health in agriculture, the following principles should be included: (1) Coverage should be comprehensive. The instrument(s) should set the framework for each country to develop a comprehensive and a consistent approach to the management of safety and health in all types of agricultural activities. This is important as there are diverse categories of types of farms (holdings), methods used and roles of the workers. By adopting this approach the need for regional or differing standards can be avoided. (2) Effective systems should be established. The instrument(s) should set the parameters of what should be contained in an effective health and safety strategy. That would include effective methods or systems to ensure the health and safety of all agricultural workers, through: the identification of hazards; the control of hazards; health surveillance where exposed to significant hazards; the provision of information on hazards to employees; the training and supervision of employees; the recording, investigation and reporting of accidents; effective emergency procedures; and situations involving the services of contractors. (3) Supporting standards, codes of practice and guidelines should be allowed for. The instrument(s) should allow for individual countries to develop supporting material to provide information on minimum standards for specific agricultural hazards, processes, working arrangements, facilities and situations such as the employment of young persons of a particular age. To support framework legislation, regulations and guidelines are required for high-risk sectors including agriculture. Guidelines provide useful information to assist employers in the agricultural sector to comply with their duties under the framework Act and regulations. They also provide information relating to particular hazards and situations. At a lower level there are information fact sheets, information bulletins and a "critical factors chart" on specific agricultural hazards. (4) Active administration should be established. The

instrument(s) should require that national laws ensure that there is a competent authority responsible for the implementation and enforcement of laws and regulations on occupational safety and health, including agriculture. (5) Rights and responsibilities of employers and workers should be considered. The instrument should require that national laws specify the rights and responsibilities with respect to safety and health in agriculture. (6) Provision should be made for an appropriate labour inspection. The instrument(s) should provide for an appropriate inspection service to cover employers and workers in the agricultural sector and an authority to whom to refer complaints.

NZEF: The Federation is in complete agreement with the Government that it is not desirable to have separate Conventions/Recommendations directed to specific sectors of the economy and that ILO instruments should operate on a non-sector-specific basis. The Federation's answer to the questionnaire's initial question is, therefore, a firm "no". It does not, therefore, support the Government's view that an international standard on safety and health in agriculture would be of assistance to developing countries, since such a standard would inevitably contain an unacceptable level of prescription.

NZCTU: The Council supports the adoption of ILO instruments on safety and health in agriculture. It does not agree that in all cases specific instruments should not be set for specific sectors but considers that instruments tailored to the demands of specific sectors may recognize the structural differences between sectors. Coverage should be comprehensive and an effective system to ensure the health and safety of all agricultural workers established, including the elements listed in the comments of the Government. However, the NZCTU does not consider that an instrument must in all cases restrict itself to general provisions relating to systems. Where particular hazards are known within a sector, it is appropriate to have specific minimum standards or provisions relating to those hazards. New Zealand's Health and Safety in Employment Act (1992) is a "general duties" type of legislation which does not regulate specific hazards but creates a hazard identification and prevention scheme with distinct levels of employer and employee duties and some state powers to prohibit or prosecute breaches. There is no legislative guarantee of employees' rights to be informed.

Portugal. Irrespective of the international and national legal coverage concerning the prevention of occupational hazards and the occupational safety and health protection of agricultural workers, it is necessary and urgent — as is already the case in other sectors of activity and for even more urgent reasons in this particular case — that specific regulations be adopted in order to guarantee efficient protection of the safety and health of workers in this sector. It is particularly important that specific provisions should be geared to small family-type enterprises and that safety and health measures should also apply to all members of the agricultural worker's family. Even those who do not carry out activities which are strictly agricultural but who live on the farm may be exposed to certain hazards. Furthermore, the instruments should also stress that the subject of "occupational safety and health" should not be examined separately from those of agrarian policies and rural development, and requires institutional cooperation and coordination between the various bodies responsible for each area of intervention (labour, health, education, agriculture, environment).

The Proposed Conclusions have been prepared in the light of the answers to the questionnaire provided by governments and other constituents and taking into account somewhat differing views. It was felt that there should be clear and flexible provisions to ensure that workers in agriculture, who have often been left outside national systems of safety and health protection, should be included within the scope of such protection. Flexibility is required in order to cover a very heterogeneous sector, in terms of working methods and practices, categories of workers and the very different conditions prevailing in industrialized countries, developing economies, and economies in transition.

However, given the particular situation of workers in agriculture and the special hazards affecting them, there is also a need for some provisions to be drafted in such a way that the proposed Convention might give a precise indication of rights and obligations, while the proposed Recommendation might provide proper guidance for national legislators on their implementation. Nonetheless, texts of this kind can only provide basic guidance, which would need to be explained and complemented with a view to supporting implementation by Members at the national level. The necessary details could be elaborated in guidelines or codes of practice adopted by the Governing Body. The Conference may wish to adopt a resolution to this effect.

The Proposed Conclusions contain a number of terms specific to agriculture and some Members, in their replies to the questionnaire, have suggested that these should be defined. The Proposed Conclusions with a view to a Convention *(Point 4)* contain a detailed definition of what might be included in the term "agriculture" for the purposes of the Convention; the term "workers in agriculture" is to be interpreted accordingly. A legal definition does not appear necessary for other terms used in the Proposed Conclusions as they either have the same meaning as that given to them in other international labour Conventions or the meaning conventionally ascribed to them in an agricultural context. With respect to terms used in other instruments, reference might be made, for example, to the term "plantation" which should be interpreted as defined by the Plantations Convention, 1958 (No. 110). For the purposes of the Proposed Conclusions, the Office considers that the following terms may be understood as follows:

(a) the term "occupational safety and health surveillance" would cover both workers' health surveillance and the surveillance of the working environment for the prevention and control of work-related health impairments and injuries. Health assessment may include, but is not limited to, medical examinations, biological monitoring, radiological examinations, questionnaires or a review of health records. The surveillance of the working environment concerns the identification and evaluation of environmental factors, which may affect workers' health and the design of control systems to prevent, eliminate and reduce them, taking into account working conditions, working processes, the materials, tools and equipment used in conjunction with them, work organization and psychosocial factors.

(b) the term "self-employed farmer" would cover tenants, sharecroppers or small owner-occupiers who derive their main income from agriculture and who work the land themselves, with the help only of their family or of occasional outside labour and who do not permanently employ workers or employ a substantial number of seasonal workers; the term would also apply to other workers in agriculture, not listed, as may be specified by national laws or regulations.

(c) the term "undertaking" would cover all agricultural workplaces where workers need to be or to go by reason of their work, including workplaces in the open or any agricultural site at which outside activities concerning the processes or operations described in *Point 4* of the Proposed Conclusions are carried out;

(d) the term "agricultural facilities" would cover buildings, installations and structures which are enclosed, covered or open, whether fixed or movable, including lightweight structures for the production, storage, fermentation or preservation of plant products, feeding materials or substances or animal manure;

(e) the term "nurseries" would cover establishments mainly engaged in the growing of garden vegetables and horticultural products, seeds, plants and young trees for transplanting;

(f) the term "animal husbandry areas" would cover areas to which workers in agriculture may have access and where grazing, farming and breeding of animals is undertaken or where livestock or other animals are accommodated;

(g) the term "animal handling activities" would cover activities bringing a worker in agriculture into direct or indirect contact with domestic animals or livestock;

(h) the term "chemicals in agriculture" would cover chemical elements and compounds, and mixtures thereof, whether natural or synthetic used in agriculture, including pesticides, herbicides, fertilizers and veterinary and pharmaceutical products;

(i) the term "aquaculture" would cover the farming of aquatic organisms including fish, molluscs, crustacean and aquatic plants. Farming implies some sort of intervention in the rearing process to enhance production, such as regular stocking, feeding and protection from predators.

Form of the international instrument

Qu. 1 *Do you consider that the International Labour Conference should adopt an instrument or instruments concerning safety and health in agriculture?*

Total number of replies: 85

Affirmative: 82. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Morocco, Mozambique, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative: 3. Australia, Islamic Republic of Iran, New Zealand.

Australia. If there is to be an instrument, the Government would consider supporting a Recommendation only.

ACCI: Yes.

Barbados. BEC and BWU: Yes.

Botswana. BFTU: Yes.

Egypt. FETU: Yes.

Iraq. GFTU: Yes.

Lebanon. Yes, agricultural workers are one of the most vulnerable categories.

Malawi. MCTU: Yes.

New Zealand. No, the ILO instruments should operate on a non-sector-specific basis. However, an international standard (Convention) could assist the developing countries.
NZCTU: Yes.

United States. USCIB: Agriculture does not require industry-specific safety and health regulations.

Since almost all the replies received from member States were affirmative, the Proposed Conclusions provide for the adoption of international standards on safety and health in agriculture *(Point 1)*.

If yes, should the general intention be to ensure that all workers in agriculture enjoy safety and health protection that is, as far as possible, equivalent to that provided to workers in the other sectors of the economy? **Qu. 2**

Total number of replies: 84

Affirmative: 83. Algeria, Argentina, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kuwait, Lebanon, Lithuania, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative: 1. Luxembourg.

Algeria. Yes, in view of the professional hazards and specific manpower conditions in this sector (seasonal, family work, etc.).

Argentina. UATRE: Yes, the Union does not accept the qualification "as far as possible"; it should be equivalent to other sectors, without conditions.

Australia. If there is to be a Recommendation, it should encourage member States to provide the same standards of safety and health to workers in agriculture that apply to all other workers, and be consistent with Convention No. 155 and national law and practice.

Austria. Yes, and full account should be taken of the specific conditions in agriculture and the forestry sector.

PKLK: No; however, account should be taken of the specific conditions inherent in the sector.

Azerbaijan. Safety standards relating to working conditions in agriculture should not only be no lower than those in other branches of the economy, but should in some subsectors be even higher.

Bahrain. Yes, half the world's labour force is engaged in agriculture, which involves the highest risks and rates of accidents, injuries and death compared with other sectors.

Barbados. BEC: Yes.

BWU: Yes, but we do not accept the qualification "as far as possible". The protection should be equivalent to that provided in other sectors.

Belgium. Yes, but Belgium adopts a horizontal approach and tends to reject sectoral laws, as in the case of mines and quarries.

Botswana. BFTU: Yes, agricultural workers need the same protection as other workers. Everyone depends upon agricultural products for their survival.

Brazil. Yes, the conditions required to guarantee such equality of treatment and promote the ratification of the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and its accompanying Recommendation (No. 133) should be fulfilled.

CNT: Yes, it is necessary to promote safety and health regulations for agricultural workers. Given that agriculture is an important sector of activity employing a high number of workers, agricultural workers should not be less protected than those in other sectors.

China. This situation cannot be achieved in China because of its present level of productivity. However, it should be considered as one objective of the Government's efforts to ensure that rural and urban employees enjoy equal rights. It is therefore a matter for a Recommendation.

ACFTU: While concurring in principle with the Government's replies to questions 1 and 2, the Federation does not agree with its comments. China has almost 10 million agricultural workers, who constitute the backbone of economic development. Although, at present, there is still disparity between the safety and health protection of these workers and that enjoyed by workers in other economic sectors, the Government attaches great importance to reducing these differences. International instruments will contribute towards promoting its efforts in this field.

Colombia. Yes, agriculture is one of the most hazardous sectors.

Costa Rica. Yes, only 41 per cent of agricultural workers are covered by an insurance scheme for occupational accidents and diseases.

Cyprus. PEO: Yes, even if agricultural workers are covered by Conventions Nos. 110 and 155, agriculture is a very hazardous sector.

Ecuador. The Convention should focus on agro-industry and the Recommendation on the self-employed.

Egypt. Yes, but the inspection of family holdings and provision of full protection would prove difficult, as most of the agricultural sector consists of individual producers and their families.

El Salvador. Yes, providing the same level of protection to agricultural workers as that of workers in other sectors would constitute a major step forward in the modernization of our agriculture and act as an incentive for the rural population to continue working in this sector.

Ethiopia. Yes, the situation in agriculture is severe compared to that in other industrial sectors.

Finland. Yes, but the most representative organizations of the self-employed should be consulted and provisions should be in the Recommendation.

MTK: Yes, for member States in which the self-employed will also need some labour protection.

France. In France, the same safety and health protection is extended to all workers.

MEDEF: Yes, provided that the instrument remains sufficiently wide in scope or leaves enough freedom for it to be adapted to the specific characteristics of the sector.

Ghana. Occupational hazards are also faced by workers in the agricultural sector. Indeed, these are determined by a combination of living and working conditions and, therefore, are no less than in other sectors.

TUC: The activities of the national factory inspectorate do not cover agriculture.

Guatemala. Agriculture is one of the most important productive activities in the country and incorporates a great number of workers.

Hungary. National Health Office: It is hardly feasible because of the great number of individual producers.

India. Yes, today, agriculture has become more capital-intensive and promotes indiscriminate use of hazardous chemical substances and agents.

Iraq. GFTU: No, it is not possible in developing countries.

Ireland. Yes, 95 per cent of our farms are family farms and most people working in Irish agriculture are self-employed. Our occupational safety and health legislation covers all categories of workers including the self-employed.

Italy. In Italy, workers involved in the agricultural sector benefit to a very great extent from all the standards applicable to workers in other productive sectors.

Jamaica. SPFJ: Yes, especially with respect to the guarding of machinery and use of chemicals.

Kenya. Agriculture is a major employer and an important contributor to the Kenyan economy and workers in agriculture should be protected like workers in other industries.

Lebanon. As far as possible, provided that the instrument explicitly defines areas of application with the possibility of excluding from the provisions whatever is deemed necessary or dictated by working conditions.

Luxembourg. No, at national level, only agricultural wage-earners come under occupational medicine.

Madagascar. The national project to extend social protection aims at such a goal.

Malawi. MCTU: Yes, workers in the agricultural sector work very hard and produce more for the livelihood of the national economy; nevertheless they face many difficulties and their rights are usually violated.

Malaysia. There should be no exceptions.

MAPA: No, the specific characteristics of the industry — for example, the effects of weather changes — have to be taken into consideration.

Mali. This socio-occupational group is the largest in the country and is exposed to many occupational hazards.

Mauritius. MEF: Yes, all workers should be covered, as far as possible, in the same manner.

Mexico. Agricultural workers in Mexico are provided with the same level of protection as workers in other sectors; however, it would be appropriate to provide for specific regulations.

Mozambique. Most of the country's population is engaged in agriculture without safety and health protection.

New Zealand. Provided that these workers are employed for gain and reward.

Nigeria. National agriculture provides employment to more Nigerians than any other sector.

Philippines. AMMMA-KATIPUNAN: Most agricultural workers in the Philippines do not enjoy any safety and health protection, especially the self-employed and workers in small enterprises.

Bureau of Working Conditions: Yes, but the Department of Labor and Employment can only monitor the formal sector of agriculture.

ILS: Yes, safety and health measures should be appropriate and applicable to agriculture.

Portugal. CGTP-IN: The level of protection of agricultural workers should not, under any circumstances, be less than that provided to workers in any other sector.

Russian Federation. From the point of view of human rights and social protection, agricultural workers should have the same rights as workers in other sectors.

Slovakia. Yes, and it is necessary to consider specific problems occurring in this branch.

South Africa. The effect of exposure is the same to all human beings and therefore every effort must be made to protect workers in the agricultural sector.

Spain. Excluding the self-employed, who are not traditionally covered by occupational safety and health legislation.

Sri Lanka. The extensive use of technology and chemicals in agriculture has exposed workers to health and safety hazards; they should therefore enjoy protection equivalent to that provided in other sectors.

Switzerland. Yes, however, the structure of the agricultural sector and the specific characteristics of the work in this sector make it difficult to implement this principle. The Convention must therefore be flexible. The support of training and information institutions is necessary.

USS/SGB: Yes, working conditions in agriculture are more strenuous despite mechanization, and occupational safety and health protection is inadequate.

Syrian Arab Republic. As agriculture represents one of the main activities of our economy, legal protection must be extended to workers by means of the adoption of a Convention to place them on an equal footing with other branches of activity.

Thailand. If possible, protection should be higher in this sector.

Togo. Yes, there should be no discrimination with respect to protection of workers in the agricultural sector compared with workers in other sectors.

Turkey. TÜRK-IS: Yes, but we do not accept the qualification "as far as possible". Protection should be equivalent to other sectors.

Uganda. FUE: Yes, although this is desirable, it may be difficult to implement, especially with regard to peasant farmers who constitute the majority within the agricultural sector in developing countries.

United Arab Emirates. Statistics indicate that agricultural hazards are similar to those in other sectors; agricultural workers thus require the same protection as workers in other sectors.

United Kingdom. This approach is already reflected in United Kingdom legislation which applies to all those working in agriculture, horticulture, forestry and allied industries. This includes self-employed, casual and part-time workers.

United States. USCIB: No.

With one exception, all the replies received from member States were affirmative. The Proposed Conclusions were drafted with the aim of ensuring that all workers in agriculture enjoy safety and health protection that is equivalent to that provided to workers in the other sectors of the economy, and keeping in mind the principles embodied in the Occupational Safety and Health Convention, 1981 (No. 155) and the Occupational Health Services Convention, 1985 (No. 161) *(Points 1 to 35).*

Do you consider the instrument or instruments should take the form of: **Qu. 3**

(a) a Convention?

(b) a Recommendation?

(c) a Convention supplemented by a Recommendation?

Total number of replies: 85

Affirmative to clause (a): 12. Algeria, Austria, Czech Republic, Denmark, France, Georgia, Germany, Hungary, India, Islamic Republic of Iran, The former Yugoslav Republic of Macedonia, Uganda.

Affirmative to clause (b): 15. Australia, Belarus, Belgium, Cape Verde, China, Estonia, Japan, Kuwait, Malaysia, Pakistan, Romania, Singapore, Syrian Arab Republic, Thailand, Turkey.

Affirmative to clause (c): 57. Argentina, Azerbaijan, Bahrain, Bangladesh, Brazil, Bulgaria, Canada, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, Greece, Guatemala, Ireland, Israel, Italy, Jamaica, Kenya, Lebanon, Lithuania, Luxembourg, Madagascar, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Russian Federation, Saint Lucia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Togo, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Other: 1. Ghana.

Austria. PKLK: Yes to (b).

Barbados. BWU: Yes to (c).
BEC: Yes to (b).

Belgium. CNT: Given the importance of the subject and the impact that new standards might have, especially in Eastern European countries and the Third World, they should be given the widest possible scope — provided that all the principles and basic components of protection are included in the Convention itself.

Botswana. BFTU: Yes to (c).

Brazil. CNT: Yes to (b).

Colombia. SAC: Yes to (b).

Czech Republic. CACC: Yes to (b).

Denmark. A Convention, which should lay down the overall, general guidelines for safety and health in agriculture.

Germany. BDA: Yes to (b). If the majority are in favour of a Convention, the text should only establish the essential principles on this matter.
DGB: The instrument should take the form of guidelines, but they should be more binding, similar to the national occupational accident prevention regulations for agriculture.

Ghana. Factories Inspectorate: Yes to (a).
Labour Department: Yes to (c).

Iraq. GFTU: Yes to (b).

Jamaica. SPFJ: Yes to (b).

Japan. JTUC-RENGO: Yes to (c).

Lebanon. The Convention should be flexible and as concise as possible. The Recommendation should take the form of guidelines to be used in the development of legal provisions on safety and health in agriculture (i.e. it should not include provisions to be applied in conjunction with those of the Convention, to ensure the independence of the two texts in principle).

Mauritius. MEF: Yes to (b).

New Zealand. The Convention should describe the broad principles supplemented by a Recommendation containing the details.

Norway. NHO: Yes to (b).

Pakistan. PNFTU: Yes to (c).

Philippines. NTA: Yes to (a).

Portugal. The Convention should include broad principles; and the Recommendation should develop these principles and envisage the specific measures for their application.
CAP: Yes to (b).
CGTP-IN: Yes to (c).

South Africa. BSA: Yes to (c); the choice of the instruments will largely depend on the contents thereof. Directives suitable for national legislation should be incorporated in the Con-

vention, other directives might only be useful as guidelines and could be incorporated in a Recommendation.

Spain. ASAJA: Yes to (b).

Turkey. HAK-IS: Yes to (c).

Uganda. UTA: Yes to (a).
FUE, TMTC: Yes to (b).
KSW, UNFA: Yes to (c).

United Kingdom. The Convention should set down the aims and objectives in simple broad terms and the Recommendation contain the details.

United States. USCIB: No to all.

Since a majority of the replies received from member States proposed that the instruments should take the form of a Convention supplemented by a Recommendation, the proposed Conclusions have been drafted accordingly *(Points 1 and 23)*.

Preamble

Should the instrument(s) include a preamble referring to: **Qu. 4**

(a) Conventions and Recommendations containing provisions of direct relevance to safety and health?

(b) Other Conventions and Recommendations relevant to agriculture?

(c) The Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, adopted by the Governing Body of the International Labour Office?

Total number of replies for clause (a): 82

Affirmative to clause (a): 75. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Ethiopia, Finland, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kuwait, Lebanon, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Morocco, Mozambique, New Zealand, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, Venezuela, Viet Nam.

Negative to clause (a): 7. Australia, China, Ecuador, Islamic Republic of Iran, Republic of Moldova, Pakistan, United Kingdom.

Total number of replies for clause (b): 72

Affirmative to clause (b): 52. Argentina, Bahrain, Bangladesh, Belarus, Brazil, Bulgaria, Canada, China, Costa Rica, Cuba, Czech Republic, Egypt, El Salvador, Estonia, Ethiopia, Finland, Georgia, Germany, India, Ireland, Israel, Italy, Kenya, Lebanon, Luxembourg, Madagascar, Malaysia, Mali, Mauritius, Mexico, New Zealand, Nigeria, Panama, Philippines, Poland, Romania, Russian Federation, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative to clause (b): 19. Australia, Azerbaijan, Belgium, Cyprus, Dominican Republic, Ecuador, Greece, Guatemala, Hungary, Islamic Republic of Iran, Japan, Kuwait, Republic of Moldova, Morocco, Mozambique, Pakistan, Slovenia, Switzerland, Thailand.

Other replies to clause (b): 1. Ghana.

Total number of replies for clause (c): 68

Affirmative to clause (c): 51. Austria, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, China, Costa Rica, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, Georgia, Germany, Guatemala, India, Ireland, Israel, Italy, Kenya, Madagascar, Mali, Malta, Mauritius, Mexico, Mozambique, Nigeria, Panama, Philippines, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, Sri Lanka, Thailand, The former Yugoslav Republic of Macedonia, Togo, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative to clause (c): 16. Australia, Azerbaijan, Bahrain, Dominican Republic, Greece, Hungary, Kuwait, Malaysia, Republic of Moldova, Morocco, New Zealand, Pakistan, South Africa, Switzerland, Syrian Arab Republic, Turkey.

Other replies to clause (c): 1. Ghana.

Algeria. (a) Include Conventions Nos. 119, 138 and 127.

Ministry of Agriculture: (a) Include Conventions Nos. 110, 121, 129, 138, 155, 161 and 170; (b) include Conventions Nos. 11, 12, 16, 17, 99, 101, 127, 132, 130, 141, 142 and 160; yes to (c).

Ministry of the Environment: Yes to (c), no to (a) and (b).

Argentina. (a) Include Conventions Nos. 110, 119, 121, 127, 129, 138, 148, 155, 161 and 170, as well as their accompanying Recommendations; (b) include Conventions Nos. 141 and 160, as well as Recommendations Nos. 86, 100, 127, 132, 148 and 170.

UATRE: Yes to (a). All aspects of health, safety and environment affecting rural/agricultural workers should be covered including hours of work, safety representatives/committees, safe systems of work, etc.; the principles and language in Convention No. 155 should be used as a basis for the Convention — but specific health, safety and environmental issues in agriculture should be addressed; include Convention No. 170 and its accompanying Recommendation. Yes to (b); include Conventions Nos. 141, 110 and 129; reference should also be made to the International Code of Conduct on the Distribution and Use of Pesticides. Yes to (c).

Australia. (a) and (b): If there is to be a Recommendation, the preamble should describe the relationship between the new Recommendation and Convention No. 155 and Recommendation No. 164. It would thus supplement and provide guidance on ways of implementing these instruments; (c) the preamble to Convention No. 155 does not mention the Tripartite Declaration.

ACCI: Yes to (a) and (b).

Austria. PKLK: (a) Include the worker protection Directives of the European Union; no to (b).

Azerbaijan. ATUC: (a) Include Conventions Nos. 127 and 138, and Recommendations Nos. 128 and 140; (b) include Conventions Nos. 99 and 101, and Recommendations Nos. 89 and 93; yes to (c).

Bahrain. (a) Include Conventions Nos. 110, 119, 129, 161 and 170, and Recommendations Nos. 110, 118, 133, 171 and 177; (b) include Convention No. 12.

Barbados. BWU: (a) Include Conventions Nos. 121 and 170, and their accompanying Recommendations, and Convention No. 119; (b) include Conventions Nos. 99 and 129, and their accompanying Recommendations, Conventions Nos. 12, 141 and 110, Recommendation No. 16 and a reference to the International Code of Conduct on the Distribution and Use of Pesticides; yes to (c).

BEC: Yes to (c); no to (a) and (b).

Belarus. (a) Conventions Nos. 155 and 129, and their accompanying Recommendations; (b) Convention No. 12.

Belgium. (a) Delete the reference to Convention No. 167 and its accompanying Recommendation.

Botswana. BFTU: (a) Conventions Nos. 121, 129, 148, 155, 161 and 170, and Recommendations Nos. 121, 133, 156, 164, 171 and 177; (b) Conventions Nos. 11 and 12 and Convention No. 140 which is not listed under Annex II but is relevant to workers' further training.

Brazil. (a) Convention No. 129 and Recommendation No. 133; (b) Conventions Nos. 12, 25, 99, 103, 105, 138 and 141; (c) as attention provided to rural workers is clearly different from that provided to urban workers, it is important to incorporate the following Conventions: Nos. 12, 25, 99, 103, 105, 138 and 141.

CNT: (a) All.

FUNDACENTRO: (a) All instruments in Annex I, including those ratified by Brazil; (b) all instruments in Annex II.

Bulgaria. (a) Conventions Nos. 119, 129 and 155, and their accompanying Recommendations; (b) Conventions Nos. 127, 138 and 170, and their accompanying Recommendations.

Canada. (a) Conventions Nos. 155, 119 and 170, and their accompanying Recommendations; (b) Conventions Nos. 129 and 141, and their accompanying Recommendations.

CLC: (a) Incorporate Conventions relating to farm workers including those dealing with machine operation, farm chemicals (application, storage, handling), confined spaces, nurseries and greenhouse safety.

Colombia. SAC: Yes to (b).

Costa Rica. (a) Conventions Nos. 119, 161 and 170; (b) Conventions Nos. 170, 161, 151, 139, 115, 119, 127 and 145, and Recommendations Nos. 31, 97, 164, 171, 147, 114, 4, 118 and 128.

Croatia. (a) Conventions Nos. 129, 12 and 25.

Cuba. (a) Conventions Nos. 119, 121, 138, 148 and 155; (b) Conventions Nos. 103, 141 and 142.

Cyprus. (a) Conventions Nos. 119, 129, 138, 155 and 170, and Recommendations Nos. 118, 133, 146, 164 and 177.

PEO: (a) All the Conventions and Recommendations quoted in Annex I of Report VI(1); (b) Conventions Nos. 11, 12, 97, 99, 101 and 110, and Recommendations Nos. 11, 16, 17, 86, 89 and 93.

Czech Republic. (a) Conventions Nos. 155, 167 and 161; (b) Conventions Nos. 129, 148 and 170.

Denmark. SiD: Yes to (c).

Ecuador. (c) The Tripartite Declaration of Principles would be acceptable in order to establish a principle of reciprocity and safety in agro-industries, particularly where there are multinational enterprises.

Egypt. (a) Conventions Nos. 148 and 139; (b) Convention No. 129 and its accompanying Recommendation.

FETU: (a) Conventions Nos. 139, 148 and 170, and Recommendation No. 177; (b) Conventions Nos. 97, 129, 142 and 101, and Recommendation No. 133.

El Salvador. (a) Conventions Nos. 155 and 110 (Part XIII) and Recommendations Nos. 97, 112 and 164; (b) Conventions Nos. 170, 174, 12, 99, 119 and 141, and Recommendation No. 177; (c) yes, to guarantee countries' rights ("state of law") in the case of transnational investments.

Ethiopia. (a) International instruments indicated in Annex I; (b) international instruments indicated in Annex II of Report VI(1).

Finland. (a) Particularly Conventions Nos. 119, 121, 129, 138, 139, 148, 155, 161 and 167; (b) at least Conventions Nos. 11, 12, 140, 141, 142 and 160.

France. CFTC: (a) All Conventions and Recommendations with direct relevance to safety and health.

FGA and CFDT: (a) Conventions Nos. 155, 119 and 148, and Recommendations Nos. 164, 118 and 156; (b) Conventions Nos. 12 and 110, and Recommendations Nos. 132 and 110.

MEDEF: No to all; reference to a non-ratified instrument should not serve as a pretext not to ratify the envisaged instrument.

Georgia. (a) All those relating to occupational safety and health; (b) Conventions Nos. 99 and 101, and Recommendations Nos. 17, 89 and 93.

Germany. (b) Decision on which Conventions and Recommendations to include or only indicate should depend on the legal content of the new Convention.

BDA: Yes to (a); no to (b) and (c); (a) Conventions Nos. 110, 129 and 155; (b) the preamble should only make reference to ILO standards directly relevant to occupational safety and health in agriculture.

Ghana. Factories Inspectorate: Conventions Nos. 119, 155, 170, 148 and 127.

Greece. (a) Conventions Nos. 110, 119, 121, 127, 129, 138, 139, 148, 155, 161, 167 and 170; (b) the Conventions in Annex II could be included in the preamble of the Recommendation; (c) yes, in the Recommendation.

Guatemala. (a) Convention No. 161.

Hungary. National Health Office: Yes to (b)
Workers' organizations: Yes to (b).

India. (a) Convention No. 155 and its accompanying Recommendation; (b) Convention No. 121 and its accompanying Recommendation.

Iraq. GFTU: No for all.

Ireland. (a) Conventions Nos. 121, 138, 139 and 155, and Recommendations Nos. 121, 146, 147 and 164; (b) Conventions Nos. 11, 12, 99, 142 and 160, and Recommendation No. 89.

Israel. (a) Conventions Nos. 119, 129, 138, 139 and 148; (b) Conventions Nos. 41, 101, 103 and 142.

Italy. From Annex I: Conventions Nos. 119, 127, 129, 138, 139 and 148; from Annex II: Conventions Nos. 11, 12, 97, 99, 103, 141, 142 and 160.

Jamaica. (a) It should contain instruments relating to: the rights of workers to a safe workplace; hazardous chemicals; ergonomic hazards and injuries; use of chemicals; use of tools; working conditions; and general farm safety, health and welfare.
JCTU: (a) Conventions Nos. 155, 161, 130, 170, 127, 27, 28 and 167, and Recommendations Nos. 97, 147, 177, 128 and 175; (b) Conventions Nos. 87, 64, 66, 98 and 100.

Japan. (a) Conventions Nos. 119, 121, 138 and 139, and their accompanying Recommendations; (c) the rationale proposing the reference to "the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy" is not clear.
JTUC-RENGO: Yes to (a) and (b).

Kenya. (a) Instruments relating to machinery and equipment, agro-chemicals, indirect hazards caused by specific farming activities, (e.g. paddy rice production, exposing workers to malaria, bilharziasis, etc.); (b) any instruments dealing with environmental protection.
COTU: (a) Conventions Nos. 155, 170 and 174.

Lebanon. (a) Instruments cited in the preamble are generally Conventions Nos. 155, 161, 119, 138, 148, 127, 139 and 115; (b) the preamble may refer to Convention No. 129 and Recommendation No. 133; (c) not necessary.
ACCIA: No to (b); yes to (c); (b) it should be restricted to matters related to agriculture.

Luxembourg. (a) Conventions Nos. 161 and 155; (b) Convention No. 148.

Madagascar. (a) Conventions Nos. 155, 161, 12, 17 and 130, and Recommendations Nos. 164, 171 and 134; (b) Conventions Nos. 110, 141 and 11, and Recommendations Nos. 110 and 149.

Malawi. MCTU: (a) Convention No. 155; (b) Convention No. 119.

Malaysia. (a) Conventions Nos. 119, 138, 110 and 170; (b) Conventions Nos. 11, 12 and 97.

MAPA: No to (a) and (b).

NUPW: Yes to (c).

Mali. (a) Provisions basically concerning protective equipment for certain work, health centres, pharmacy kits and toxic products; (b) provisions relating to protection of the environment and health measures.

Mauritius. (b) Convention No. 12 and Recommendation No. 17.

MEF: No to (b) and (c); (a) general provisions on health, safety and protection of the environment.

Mexico. (a) Conventions Nos. 155, 161, 167 and 170, and their accompanying Recommendations; (b) Conventions Nos. 11, 12, 99, 141 and 169; (c) it would be appropriate to include it, in order to become acquainted with the views of the different sectors involved in agricultural activities.

Morocco. (a) Conventions Nos. 155, 170, 129 and 161.

Mozambique. (a) Those Conventions and Recommendations that guarantee safety and health and those that place obligations on the employers and enforcement authorities; (c) yes.

Ministry of the Environment: (c) Yes, the application of their principles would be very helpful for Third World countries.

SINTAF: (b) Convention No. 99; minimum wages in agriculture should be the same as those in industry.

New Zealand. (a) and (b), to be dealt with in the Recommendation.

NZCTU: Yes to (c).

Nigeria. (a) Conventions Nos. 155 and 161; (b) any other instruments relevant to occupational safety and health in agriculture.

Pakistan. (a) and (b): All possible aspects of safety and health should be covered.

PNFTU: (a) All; they should be contained in both the Convention and Recommendation in order to ensure complete safety and health protection; no to (b).

Panama. (a) Yes, instruments concerning chemicals, general working conditions, ergonomics, work organization, occupational safety and health and others applying to the agricultural sector; (b) Conventions Nos. 29, 155, 138, 170, 121 and 161, and Recommendations Nos. 31, 97, 164 and 171; (c) yes, the Government would support action by agricultural multinationals in Panama.

Philippines. Bureau of Working Conditions: Convention No. 81 and its accompanying Recommendations, Convention No. 138, and Recommendations Nos. 14 and 95.

Bureau of Women and Young Workers: (a) Conventions Nos. 129, 155, 161, 110 and 141, and Recommendations Nos. 133, 164, 14 and 149.

ILS: Yes to (a), Convention No. 155, and Recommendation No. 164; no to (b).

Poland. (b) Convention No. 129.

Portugal. Conventions Nos. 110, 129, 155 and 161, and their accompanying Recommendations. Refer to Convention No. 182 and its accompanying Recommendation, highlighting Article 3(d) of the Convention and the respective provisions in the Recommendation.

CAP: (a) and (b): All.

CCP: (a) Yes, instruments concerning fundamental rights at work and human rights.

Romania. (a) Conventions Nos. 119, 121, 127, 129, 138, 148, 155, 161, 167 and 170; (b) Conventions Nos. 110, 99, 101, 130 160 and 169, and Recommendation No. 134.

Russian Federation. (a) Conventions Nos. 119, 127, 129, 138, 148, 155, 170, and their accompanying Recommendations; (b) Conventions Nos. 103, 130 and 160, and Recommendations Nos. 11 and 101.

Slovakia. (a) Conventions Nos. 129, 139, 148, 155, 167 and 170; (b) Conventions Nos. 11, 12 and 101.

Slovenia. (a) Conventions Nos. 155 and 161.

South Africa. (a) Yes, those that have specific relevance to health and safety in agriculture such as Conventions Nos. 110, 119, 121, 129, 138, 155 and 170; (b) Conventions Nos. 12 and 97.

BSA: No to (b) and (c); the employers' organization does not believe that reference to any of these will serve a useful purpose in the Preamble.

Spain. (a) Those directly related to agricultural hazards, Conventions Nos. 129, 155, etc.; (b) those directly related to occupational safety and health in agriculture, including Convention No. 12 and Recommendation No. 86; (c) the Government does not feel that the Declaration is necessary in this context but does not oppose it.

ASAJA: (a) All should be included, to disseminate its basic principles; (c) no, agricultural enterprises usually have a narrower scope.

Sri Lanka. (a) Conventions Nos. 155, 161, 121, 127, 148 and 170, and Recommendations Nos. 164, 171, 177, 128 and 121; (b) Conventions Nos. 11, 12, 17, 18 and 129, and Recommendation No. 133.

Switzerland. (a) Conventions Nos. 139, 155 and 138; (b) it would be better to avoid overloading preambles with references to a wide range of texts, declarations and Conventions.

USP/SBV: No to (a).

USS/SGB: (a) Yes, instruments concerning health protection and occupational safety and health.

Syrian Arab Republic. (a) Conventions Nos. 10, 12, 33, 60, 78, 115, 119, 121, 127, 138, 139, 148, 162 and 170, and their accompanying Recommendations; (b) Conventions Nos. 17, 18, 121, 129, 55, 160 and 161, and their accompanying Recommendations, as well as the related United Nations Conventions.

Thailand. (a) Conventions Nos. 155, 119 and 170.

Ministry of Agriculture: (b) Yes, Convention No. 170.

Togo. (a) Conventions Nos. 25, 112, 121, 138, 148 and 155, and Recommendations Nos. 31, 97, 156 and 164; (b) Conventions Nos. 11, 12, 36, 38, 40, 78, 99, 101, 110, 127, 129, 138 and 141, and Recommendations Nos. 93, 110, 127, 132, 133 and 149.

Turkey. (b) Conventions Nos. 119 and 170, and Recommendations Nos. 128, 133 and 177.

TÜRK-IS: (a) Conventions Nos. 155 and 170, as well as its accompanying Recommendation (No. 177); (b) Conventions Nos. 141, 110 and 129, and reference to the International Code of Conduct on the Distribution and Use of Pesticides; (c) yes.

Uganda. (a) Conventions Nos. 110, 121, 129, 148, 155 and 161; (b) Conventions Nos. 11 and 12, and Recommendations Nos. 16 and 17.

FUE: (a) Conventions Nos. 138, 148 and 170; (b) Conventions Nos. 11 and 99.

KSW: (a) All listed in Annex I of Report VI(1); (b) all listed in Annex II of Report VI(1).

Ukraine. (a) Conventions Nos. 155, 119, 121, 127, 129, 138, 148, 167 and 170, and their accompanying Recommendations; (b) Conventions Nos. 11 and 12, and Recommendations Nos. 11, 16 and 17, as well as Conventions Nos. 99 and 101, and their accompanying Recommendations.

United Kingdom. (a) The Convention should concentrate on agricultural health and safety issues.

TUC: (a) Yes, Conventions Nos. 155, 161 and 170; (b) other Conventions and Recommendations quoted in Annexes I and II of Report VI(1).

United States. USCIB: No to all.

Venezuela. (a) All in Annex I of Report VI(1); (b) all in Annex II of Report VI(1).

CODESA: Include Conventions Nos. 10, 12, 25, 36, 38, 40, 50, 99 and 101, and Recommendation No. 12.

Viet Nam. (a) Conventions Nos. 30 and 155; (b) Convention No. 99.

The great majority of the replies favoured the inclusion of a Preamble to the Proposed Conclusions that refers to instruments of direct relevant to the social protection of workers in agriculture (Questions 4(a) and (b)). Some Members made specific reference to the ILO standards they would like to see in the Preamble. A number of Members were concerned with the reference to ILO standards in the Preamble of the proposed instruments. The reference to "the principles embodied in" a certain standard, is a recognized legal principle which implies that the universal value of the instruments referred to is kept in mind in the application of the Convention and does not impose an obligation to comply with the specific provisions of the instrument in question. A number of replies, particularly from trade unions, suggested the inclusion in this Preamble of other international guidelines such as the FAO's International Code of Conduct on the Distribution and Use of Pesticides (1985) and the WHO Recommended Classification of Pesticides by Hazard and Guidelines to Classification (1998-99). In order to provide Members with flexibility so that they may select those guidelines more appropriate to their needs and update them, a general reference to the need to take into consideration relevant standards, guidelines and codes of practice adopted by recognized national or international organizations, was incorporated in the Proposed Conclusions with a view to a Recommendation *(Point 26)*.

A majority of the replies received from Members also favoured the inclusion in the Preamble of a reference to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, adopted by the Governing Body of the ILO in 1977 (Question 4(c)). The reference to the Tripartite Declaration was incorporated in the general provisions of the Proposed Conclusions with a view to a Recommendation *(Point 25)*. The Office decided to select the standards considered directly relevant to safety and health in agriculture and make reference to the principles embodied in other ILO standards concerning the labour protection of agricultural workers. The Office also decided to include in the Preamble the ILO Codes of Practice on Recording and Notification of Occupational Accidents and Diseases, 1996, and on Safety and Health in Forestry Work, 1998, due to their relevance to the subject. With the intention of avoiding a cumbersome Preamble, the decision on the possible reference to other instruments in the text was left to the first discussion of the Proposed Conclusions. The Preamble has been drafted accordingly *(Point 3)*.

I. Definitions and scope

Should, for the purposes of the instrument(s), the term "agriculture" (or "agricultural") cover: **Qu. 5**

(a) all activities (whether indoor or outdoor) related to cultivating, growing, harvesting and primary processing of agricultural products?

(b) livestock breeding and production of animal husbandry products?

(c) fish farming?

(d) any process, operation or transportation which occurs in an agricultural workplace?

(e) the services related to agricultural production?

Total number of replies for clause (a): 84

Affirmative to clause (a): 79. Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Kenya, Kuwait, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative to clause (a): 2. Jamaica, Pakistan.

Other replies to clause (a): 3. Austria, Japan, Lebanon.

Total number of replies for clause (b): 84

Affirmative to clause (b): 69. Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Kenya, Kuwait, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, Togo, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela.

Negative to clause (b): 12. Colombia, Costa Rica, Dominican Republic, El Salvador, Guatemala, Italy, Jamaica, Lithuania, Pakistan, The former Yugoslav Republic of Macedonia, Turkey, Viet Nam.

Other replies to clause (b): 3. Austria, Japan, Lebanon.

Total number of replies for clause (c): 85

Affirmative to clause (c): 58. Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Brazil, Bulgaria, Canada, Cape Verde, China, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Hungary, Israel, Italy, Kenya, Kuwait, Luxembourg, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, Togo, Uganda, Ukraine, United Arab Emirates, United Kingdom.

Negative to clause (c): 24. Belarus, Belgium, Colombia, Costa Rica, Dominican Republic, El Salvador, Estonia, Guatemala, India, Islamic Republic of Iran, Ireland, Jamaica, Japan, Lithuania, Madagascar, Norway, Pakistan, Panama, South Africa, Spain, The former Yugoslav Republic of Macedonia, Turkey, Venezuela, Viet Nam.

Other replies to clause (c): 3. Austria, Finland, Lebanon.

Total number of replies for clause (d): 85

Affirmative to clause (d): 68. Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, China, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Georgia, Germany, Greece, India, Ireland, Israel, Italy, Jamaica, Kenya, Kuwait, Lebanon, Luxembourg, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, Togo, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela.

Negative to clause (d): 13. Cape Verde, Costa Rica, Dominican Republic, France, Guatemala, Hungary, Islamic Republic of Iran, Lithuania, Madagascar, Pakistan, The former Yugoslav Republic of Macedonia, Turkey, Viet Nam.

Other replies to clause (d): 4. Austria, Finland, Ghana, Japan.

Total number of replies to clause (e): 84

Affirmative to clause (e): 54. Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, China, Colombia, Croatia, Cyprus,

Denmark, Ecuador, Egypt, El Salvador, France, Georgia, Germany, Greece, India, Islamic Republic of Iran, Ireland, Italy, Kenya, Lebanon, Malaysia, Mali, Malta, Mauritius, Republic of Moldova, Morocco, Mozambique, Nigeria, Poland, Portugal, Romania, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, Venezuela.

Negative to clause (e): 29. Cape Verde, Costa Rica, Cuba, Czech Republic, Dominican Republic, Estonia, Ethiopia, Ghana, Guatemala, Hungary, Israel, Jamaica, Kuwait, Lithuania, Luxembourg, Madagascar, Mexico, New Zealand, Norway, Pakistan, Panama, Philippines, Russian Federation, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, United Kingdom, Viet Nam.

Other replies to clause (e): 3. Austria, Finland, Japan.

Algeria. Ministry of Agriculture: Under Algerian regulations, fishing activities are considered of an agricultural nature.

Ministry of the Environment: The future instrument must include all activities related to cultivating, growing, harvesting, livestock breeding and the primary processing of agricultural products.

Argentina. UATRE: All categories in paragraphs (a) to (e) should be covered to ensure that the major activities involved in agricultural production are covered, including agro-forestry. The production of seed should also be included.

Australia. ACCI: Yes to (a); no to (b)-(e).

Austria. The inclusion of the forestry sector should be considered.

PKLK: Yes to all, (a) family farming enterprises with no employees should be excluded from the scope of the instrument.

LAKT: Yes to all.

ÖGB: Yes to (a) and (d); no to (b), (c) and (e).

Azerbaijan. ATUC: (a) Yes. No to (b)-(e).

Barbados. BWU: All paragraphs should be considered to ensure that activities involved in agricultural production are covered, including forestry.

Belgium. (a) Forestry work should be excluded; (e) it might be considered that these are enterprises subcontracting agricultural work.

CNT: Yes to (e), provided that this concerns services directly linked to the production of agricultural enterprises, but not activities of related sectors, such as the transport sector, food industry and similar activities. No to (a), (b) and (c).

Botswana. BFTU: Yes to (a); no to (b)-(e); it is important to link farm activities to milling, so workers may perceive how they are related to each other.

Brazil. Agricultural activities carried out by family members should also be included.

FS: No to (b)-(e).

FUNDACENTRO: The primary processing of agricultural products carried out in the agricultural undertaking should be covered.

Canada. Add in the opening sentence: "in accordance with national law and practice". This would make the definition flexible enough to apply to a wide range of legislative and

policy approaches. For example, (d) would be the most appropriate definition for most Canadian jurisdictions since they do not have agriculture-specific regulations, and would find it easier to enforce standards relating to processes, operations, etc. contained in general safety regulations. A few jurisdictions would exclude (c) fish farming, on the basis that its hazards are different from those in land-based agriculture and are dealt with separately. There is also a need to clarify what is meant by "services" in (e).

CLC: Yes for all; agriculture is a unique and challenging area which has to include the expertise of wildlife biologists, including those with expertise in fisheries.

China. An additional clause (f) should be added; (f) "seawater fishing" in China, the fishing and catching industry come under the category of agricultural activities.

Cuba. Fish farming should be included when it is done in the context of aquaculture.

Cyprus. The term "agriculture" also cover beekeeping, sericulture and other activities relevant to insect breeding, as well as forestry operations including soil preparation for forest growth and lumbering.

Ecuador. (d) The term workplace should be strictly understood as the production site; any activity outside the workplace should not be considered "agriculture" for the purposes of the scope of the Convention.

Egypt. FETU: Yes to (a)-(e).

Finland. Clauses (d) and (e) may be included, depending on what is meant by the definition. The Government wonders whether the clauses also cover agricultural accessory services, such as catering and accommodation services in (d) and direct selling in (e).

France. FGA and CFDT: No to (b), (c) and (e).

MEDEF: The instrument should define agricultural activities as follows: "are considered agriculture activities any activities dealing with the control and exploitation of a biological cycle of a vegetable nature (including forestry) or an animal nature (including fish farming) which constitute one or several necessary stages for the completion of the cycle, as well as activities of processing, packaging and marketing of agricultural goods, carried out as an extension of production itself".

Germany. DGB: (c) Freshwater fish farming, not fishing in the high seas.

Ghana. Factory Inspectorate: No to (d); (d) and (e) may be covered by national legislation.

Labour Department: Yes to (d); there is a need to extend basic protective care and welfare with comprehensive coverage.

TUC. Allied activities such as milling should be covered.

Hungary. Yes to (d) and (e); they cover the full scope.

Workers' organizations: Yes to (c) and (d).

India. Fish farming does not belong in the broad framework of agricultural activities and should be excluded.

Ireland. Irish agriculture covers categories (a), (b), (d) and (e). Fish farming (c) comes under the fishing industry.

Japan. (a), (b), (d) and (e) may be included in the definition of agriculture; however, in applying the instruments, individual countries should be able, in exceptional cases, to respond to their individual circumstances. (c) No, fish farming takes place in an aquatic environment, which differs greatly from that of agriculture, so it should come under the category of "fishery, fishing".

JTUC-RENGO: The proposed instrument should be applied mainly to agriculture, fish farming and the forestry industry.

Lebanon. (a) "Indoor and outdoor" activities need to be classified. The extent to which the term "agriculture" or "agricultural" include such activities should be defined. (b) Livestock breeding is part of the definition but "production of husbandry products"should be clarified. If the use of machinery includes industrial work, then it is not agricultural work. (c) Possibly. (d) Yes, unless the processing and operations are carried out by industrial machinery. (e) Yes, if the services are related to purely agricultural production.

ACCIA: Yes to (b); (c) and (e) should be excluded, because they are ambiguous and unclear, to avoid different interpretations.

Malaysia. MAPA: No to (c) and (e); plant agriculture is different from fish farming and should be separated.

Mali. In general, the term "agriculture" covers all activities carried out in the various rural sectors, i.e.: cultivating, stockbreeding, rivers and forests, the protection of the vegetation.

Mauritius. MEF: No to (e).

Mexico. Yes to (a), (b), (c) and (d). Wage employment in agricultural production, animal breeding and forestry are considered as rural workers' activities.

Mozambique. Yes to (a), (b), (c), (d) and (e) as agricultural activities not only concern planting seeds, but also complementary activities and relevant services.

New Zealand. The instrument should be drafted in such a manner that it will apply to all types of farming activity and production; (e) the instrument should not cover services related to farming, as this would be outside the scope of this project; refer to Question 20(b).

Norway. (a), (b) and (d) reflect Norwegian law and practice. In Norway, the term agriculture does not encompass the aquaculture and services related to agricultural production.

LO: Yes to (c), it is important to take into account the working environment and conditions in the fish-farming industry and it could be an advantage for this trade to be encompassed by the new Convention.

NHO: No to (c), (d) and (e).

Pakistan. The term should cover all activities related to cultivating, growing and harvesting including livestock and fish farming.

Philippines. Bureau of Women and Young Workers: (d) is a catch-all provision with the use of the term "any process, operation". It might conflict with the international definition of manufacturing which is "the physical or chemical transformation of materials (including primary agricultural production) or components into new products". There is such an economic activity called agro-based manufacturing.

NTA: No to (d).

AMMMA-KATIPUNAN: No to (a), (b) and (c); the instruments must cover the agricultural production as a whole.

Portugal. Yes to (a)-(e). This definition is consistent with Convention No. 129 and Recommendation No. 133, as well as the definitions adopted by the Joint ILO/WHO Committee on Occupational Health. The services referred to in (b) should be considered only when carried out in agricultural undertakings, as services may be provided in other places with different hazards.

CAP: Only outdoor agricultural activities should be considered in (b).

Russian Federation. The following should be added to (d): "as well as delivery for storage or for sale, or to transport enterprises for the purpose of transportation for sale".

Slovakia. The term "agriculture" should not be defined only as cultivating activities. It should also incorporate other activities such as: livestock breeding, animal breeding, storing of agricultural products and forestry. Clause (b) should be amended as follows: "livestock breeding and care and processing of primary animal products". In (e), the term should specify: "the services related to plant and animal production". The Government recommends including the definition in the Convention.

South Africa. (c) A separate instrument for aquaculture (fresh- and seawater) must be developed.

BSA: Yes to (c), no to (e); (a) yes, but only if they are directly related to primary agricultural production; (d) provided that these are directly related to the production process and not, for instance, related to personal activities of the workers such as horseback riding or preparing a meal; (e) including services related to agricultural production is too wide because such services could, for instance, including extension services, financial services, or insurance, which relate more to the business of farming than to the production process per se.

Spain. The Government could agree with (c) if reference is made to the Framework Directive on Health and Safety at Work of the European Union.

ASAJA: No to (e); fish farming is traditionally linked to the fishing industry.

Switzerland. USS/SGB: Yes to (e); if possible, include the forestry sector.

Syrian Arab Republic. The term "agricultural work" must include all activities related to exploiting the soil, as well as sericulture, poultry raising, beekeeping, agricultural harvest processing, gardening, horticulture, animal husbandry and aquaculture.

Thailand. "Agriculture" should particularly cover the employment relationship. Additionally, the term "primary processing of agricultural products" should be defined precisely.

Turkey. Any one of these clauses might be too restrictive. A broader definition comprising all the elements may be more appropriate.

HAK-IS: Yes to (b)-(d).

Uganda. If fish farming is not addressed here, it may not be adequately addressed elsewhere in our country.

FUE: No to (d)-(e).

TMTC: No to (b)-(e); there should be separate instruments concerning safety and health in these activities.

UNFA: No to (d) and (e); if the definition goes beyond the areas defined, it might lose focus.

UTA: No to (c), all others are agricultural related.

United Arab Emirates. All these terms fall within the definition of the agricultural sector in the Emirates.

United Kingdom. (a) This primary processing should be limited to activities carried out on agricultural premises such as topping, cleaning and bagging; (b) yes to livestock breeding and associated processes (e.g. milk production but not the production of animal husbandry products); (d) yes to any process operation or transportation occurring in an agricultural workplace, excluding separate industrial processes such as food processing, saw milling, agricultural machinery manufacture; (e) yes to those services provided by agricultural contractors, directly related to the processes listed in (a), (b) and (c) above. See Question 7(a) below.

TUC: Yes to (e); the definition should cover all elements of the agriculture or farming industry including the processing of the product before distribution for retail.

United States. USCIB: No to all; applicability of any standards should be keyed to business size, rather than by type of commodity produced.

Venezuela. Fish farming should be excluded as these workers belong to a different category according to the ILO.

The majority of the replies agreed with the definition of "agriculture" proposed by the Office. Following some recommendations from member States to confine the scope of the Proposed Conclusions to those activities directly relevant to agriculture, clauses (b) and (e) of Question 5 were deleted, on the assumption that certain services related to agricultural production and the production of animal husbandry products could be undertaken by separate productive enterprises not directly related to crop production, breeding of animals, or primary processing of animal husbandry products. For the purposes of these standards, fish farming is covered by aquaculture. Questions 5 and 6 have been grouped under *Point 4* concerning scope and definitions. See also the comments to Question 7 *(Point 4)*.

Should the proposed instrument(s) cover: **Qu. 6**

(a) all agricultural undertakings, irrespective of size?

(b) collective economic enterprises, such as cooperatives and farmers' associations?

(c) machinery, equipment, appliances, tools, and installations used in conjunction with agricultural activities?

Total number of replies for clause (a): 83

Affirmative to clause (a): 75. Argentina, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Cape Verde, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative to clause (a): 5. Colombia, Malaysia, Mali, Pakistan, Romania.

Other replies for clause (a): 3. Austria, Canada, Japan.

Total number of replies for clause (b): 83

Affirmative to clause (b): 64. Argentina, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Egypt, El Salvador, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Lebanon, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, Togo, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela.

Negative to clause (b): 17. Azerbaijan, China, Colombia, Croatia, Dominican Republic, Ecuador, Estonia, Guatemala, Jamaica, Kenya, Kuwait, Lithuania, Luxembourg, Norway, The former Yugoslav Republic of Macedonia, Turkey, Viet Nam.

Other replies to clause (b): 2. Austria, Japan.

Total number of replies for clause (c): 84

Affirmative to clause (c): 68. Argentina, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Lebanon, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, Togo, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela.

Negative to clause (c): 14. Azerbaijan, China, Croatia, Dominican Republic, Guatemala, Jamaica, Japan, Kenya, Kuwait, Lithuania, Spain, The former Yugoslav Republic of Macedonia, Turkey, Viet Nam.

Other replies to clause (c): 2. Austria, Japan.

Algeria. Ministry of Agriculture: Yes to all.
Ministry of the Environment: Yes to (a) and (b).

Argentina. The instrument should make reference to the progressive substitution of obsolete agricultural machinery and equipment.

Australia. ACCI: Yes to (a), no to (b), (c).

Austria. See Question 5.
PKLK: No to (a); yes to (b) and (c).
LAKT: Yes to (a)-(c).
ÖGB: Yes to (a); no to (b), (c).

Barbados. BEC and BWU: Yes to all.

Belgium. Belgium would prefer to use the concept of "farmer", in other words the concept of a person who is legally responsible.

Botswana. BFTU: The items mentioned in (c) need to be covered, to ensure better design and safe use of machinery, equipment, etc.

Canada. (a) Add: "While taking into account that the characteristics, needs and problems of family farm operations and farms which have a small number of hired workers are different from those of corporate and commercial farming operations and should not necessarily be subject to the same safety and health requirements." This change would provide the necessary flexibility and would cover, for example, the situation in jurisdictions which exempt agricultural workplaces with fewer than a certain number of workers from certain safety and health legislation.

CLC: Yes to (a), no to (b) and (c).

China. ACFTU: No to (a); (b) might be appropriate. In China, agricultural undertakings are collective and state-owned.

Colombia. SAC: Yes to (a); no to (c).

Costa Rica. Include all types of agricultural production: agro-industry, medium and small commercial farming and subsistence farming.

Cyprus. All agricultural undertakings or activities related to scientific research should also be covered.

Czech Republic. Health hazards are linked to the nature of work, not to the size of the undertaking. Machinery and equipment used in agriculture can be a source of typical health hazards and, therefore, special attention should be paid to the machinery.

CACC: Yes to (a); no to (b) and (c).

Denmark. Yes to (a)-(c), given that working environment conditions are not determined by the size of the individual undertaking or the choice of corporate form (self-employed farmers, cooperative, etc.).

Ecuador. On account of diversity in climate, production and in ethnic, racial and geographical organizations, clause (b) should not be in the Convention but in the Recommendation.

Ethiopia. Yes to all; however, in Ethiopia (a) may fail to be implemented as intended in the proposed instruments due to constraints of budget, facilities and manpower.

France. FGA-CFDT: No to (b) and (c); all branches should be concerned.

MEDEF: Yes, but the reply must be qualified according to the specific subject and areas covered in the instrument.

Germany. BDA: Yes to all.

DGB: Farmers' associations as occupational organizations should be kept separate, given that such associations do not themselves actually engage in agricultural activity.

Ghana. Factory Inspectorate: Size is not relevant to the promotion of health and safety, especially in developing countries. Machinery and equipment are sources of hazards.

Labour Department: Coverage from highly mechanized agriculture in plantations to traditional small-scale subsistence agriculture.

Guatemala. It is important to include small-scale enterprises in which workers are less protected.

Hungary. National Health Office: No to (b).

India. The instruments should cover all associated activities feeding the rural economy — both in the organized and unorganized sectors.

Iraq. GFTU: Yes to all; (a) provided that the instrument takes into consideration the specific capacities of small agricultural enterprises.

Ireland. All clauses will ensure an effective farm safety programme.

Jamaica. SPFJ: Small family undertakings should be excluded, but the proprietors need to be aware of the instrument.
JCTU: Yes to (b) and (c).

Japan. (a) and (b) can be included, but individual countries may provide for exceptions, in order to respond to their individual circumstances. Clause (c) should be excluded, as it differs from (a) and (b) in its nature. In this question, there is a different use of the words "undertaking" and "enterprise". What difference in scope is implied by such use?

Kenya. The competent authority may be allowed some flexibility with regard to the scope and coverage — within specific limits.
COTU: Yes to (b) and (c).

Lebanon. (a) As far as possible. It may be necessary to adapt safety and health procedures to the nature and size of such undertakings. Clauses (b) and (c): as far as possible.
ACCIA: Yes to all.

Malawi. MCTU: Yes to all, as they are relevant to the agricultural sector.

Malaysia. There should be some limits set on the coverage of agricultural undertakings (e.g., only those exceeding ten hectares).
MAPA and NUPW: Yes to (a).

Mali. Yes to (b) and (c), the application must primarily be concerned with these two priority levels. It might subsequently be extended to all agricultural undertakings.

Morocco. It must be stipulated that certain establishments with special problems may be excluded, after consultation with the most representative employers' and workers' organizations.

Mozambique. No to (b).
SINTAF: Yes.

New Zealand. See Question 5.

Norway. (b) should not be chosen, since it is not natural or appropriate for collective enterprises such as abattoirs, dairies and agricultural organizations, to be encompassed by an instrument for agriculture. The activities of such enterprises diverge too much from the activities of farms.
NHO: Yes to (b).

Pakistan. PNFTU: Yes to all; see Question 5.

Philippines. Bureau of Working Conditions: It is better if the proposed instruments cover only the formal sector of the agricultural industry.
Bureau of Women and Young Workers: Employers and workers' organizations should be consulted to ensure compliance with the instruments.
ILS and NTA: No to (b) and (c).

AMMMA-KATIPUNAN: Covering (a) will be better for the sector if (b) will be applied for their interest and progress.

Portugal. CCP: No to (c).

CAP: No to (b); clause (a) should apply to all undertakings, irrespective of size, if they have more than nine workers in wage employment and with a permanent contract.

CGTP-IN: The instrument should cover all undertakings, irrespective of their size or form of organization.

Singapore. (c) should also cover "chemicals".

Slovakia. The instrument should cover all enterprises employing workers and all working procedures, machines, devices and technologies applied in agriculture.

South Africa. BSA: Yes to all; (b) but only if they are directly involved in agricultural production; (c) more clarity is needed on the meaning of "... in conjunction with agricultural activities". The employers' organization would prefer "... in the agricultural production process".

Spain. The Government could accept the clause (c), due to the distinctive characteristics of agricultural facilities.

Switzerland. USP/SBV: No. They should only apply to enterprises employing at least one worker on an annual basis and not include family members.

Syrian Arab Republic. The same protection is needed for those enterprises in which more than ten workers are employed.

Turkey. HAK-IS: Yes to (b) and (c).

Uganda. FUE: Small landowners practising subsistence farming will be difficult to monitor.

KSW: All personnel involved in these activities need protection from accidents and ill health.

TMTC: Small — as well as large — undertakings require safety and health instruments for their workers.

UNFA: (b) should not be covered as not all economic enterprises such as cooperatives and farmers' associations are agricultural.

United Kingdom. Yes to all; (a) fatal and serious accidents and ill health occur on any size of farm; (b) cooperative enterprises are not different in terms of hazards and risks to other farms; (c) these present significant hazards and risks.

United States. USCIB: See the answer to Question 5.

A majority of the replies proposed that all agricultural undertakings be covered without exception, including farmers' cooperatives. A number of Members expressed the opinion that the provisions of the proposed Convention should be flexible and initially allow for a different treatment of agricultural undertakings according to the size of the enterprise and the number of workers, on the understanding that such exclusions should not compromise the health and safety of agricultural workers. The reference to machinery in Question 6(c), was incorporated in the definition of agriculture for consistency between processes, operations, machinery and equipment. The Proposed Conclusions were drafted to provide for flexibility as wished by the majority of member States *(Points 4 and 6)*.

Qu. 7 *Should the definition of "agriculture" exclude:*

(a) industrial processes that use agricultural products as raw material?

(b) the forestry industry or any work performed in a forest related to cultivating, conserving or exploiting forests?

(c) transportation of agricultural products outside the workplace?

Total number of replies for clause (a): 83

Affirmative to clause (a): 65. Algeria, Argentina, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Germany, Ghana, Greece, Hungary, India, Islamic Republic of Iran, Israel, Italy, Jamaica, Japan, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Norway, Pakistan, Philippines, Poland, Portugal, Saint Lucia, Singapore, South Africa, Spain, Sri Lanka, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Ukraine, United Arab Emirates, United Kingdom, Venezuela.

Negative to clause (a): 15. Bahrain, Cape Verde, Dominican Republic, Ethiopia, Guatemala, Ireland, Malta, Romania, Nigeria, Panama, Slovakia, Slovenia, Syrian Arab Republic, Uganda, Viet Nam.

Other replies to clause (a): 3. Denmark, Georgia, Turkey.

Total number of replies for clause (b): 82

Affirmative to clause (b): 37. Azerbaijan, Bangladesh, Belarus, Belgium, Bulgaria, Canada, Colombia, Costa Rica, Croatia, Czech Republic, Denmark, Estonia, Finland, Hungary, Islamic Republic of Iran, Ireland, Italy, Japan, Kenya, Kuwait, Luxembourg, Madagascar, Malaysia, Mozambique, Nigeria, Pakistan, Philippines, Poland, Romania, Singapore, South Africa, Sri Lanka, Thailand, Ukraine, United Arab Emirates, Venezuela, Viet Nam.

Negative to clause (b): 43. Algeria, Argentina, Austria, Bahrain, Brazil, Cape Verde, China, Cuba, Cyprus, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Germany, Ghana, Greece, Guatemala, India, Israel, Jamaica, Lebanon, Lithuania, Mali, Malta, Mauritius, Mexico, Republic of Moldova, New Zealand, Norway, Panama, Russian Federation, Saint Lucia, Slovakia, Slovenia, Spain, Switzerland, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Togo, Uganda, United Kingdom.

Other replies to clause (b): 2. Georgia, Turkey.

Total number of replies for clause (c): 82

Affirmative to clause (c): 48. Algeria, Argentina, Austria, Belarus, Belgium, Brazil, Bulgaria, Canada, Colombia, Costa Rica, Croatia, Cyprus, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Ghana, Greece, Guatemala, Hungary, Israel, Italy, Japan, Kenya, Kuwait, Luxembourg, Madagascar, Malaysia, Mali, Mauritius, Morocco, Mozambique, New Zealand, Philippines, Portugal, Singapore, Slovakia, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, Togo, United Arab Emirates, United Kingdom, Venezuela.

Negative to clause (c): 33. Azerbaijan, Bahrain, Bangladesh, Cape Verde, China, Cuba, Czech Republic, Denmark, Dominican Republic, Estonia, Germany, India, Islamic Republic of Iran, Ireland, Jamaica, Lithuania, Malta, Mexico, Republic of Moldova, Nigeria, Norway, Pakistan, Panama, Poland, Romania, Russian Federation, Saint Lucia, Slovenia, South Africa, The former Yugoslav Republic of Macedonia, Uganda, Ukraine, Viet Nam.

Other replies to clause (c): 1. Turkey.

Algeria. Ministry of Agriculture: No, if the transport of agricultural products is carried out by the farmers themselves; (c) is included in the definition of "agriculture".

Ministry of the Environment: Yes to (a); any activities which are not related to cultivating, harvesting and livestock breeding should be excluded from the definition of the term "agriculture".

CAP: Exclude what is not strictly agricultural and which has been taken up elsewhere.

Argentina. UATRE: (a) and (c) should be excluded when transportation outside the workplace is not carried out by the direct producer.

Australia. ACCI: Yes to (a); no to (b) and (c).

Austria. Yes to (c) as long as it is not a question of transport by an agricultural or forestry enterprise.

PKLK: Yes to (b); the activities mentioned are not part of agricultural activities in the strict sense of the term or are not exclusively agricultural in nature.

LAKT: Yes to (b).

Azerbaijan. (a) and (b) should be excluded as the term "agriculture" implies only work carried out within the confines of agricultural enterprises.

ATUC: Yes to (a), since agricultural products have to be used as raw materials in small-scale production as well.

Bahrain. There is no need for all these exclusions as risks encountered by agricultural workers are interdependent and similar.

Barbados. BEC: No to all.
BWU: Yes to all.

Belgium. There should be a more specific approach to the forestry industry.
CNT: No to all.

Botswana. BFTU: Yes to (b); no to (a) and (c).

Brazil. All productive processes which transform the physical and chemical characteristics of agricultural products are not considered as agricultural activities.
FS: No to (a).

Bulgaria. It should be specified that the transport on agricultural machinery, which is the property of the producers, is not excluded.

Canada. (a), (b) and (c) would not normally be considered to be part of agriculture. The addition of "in accordance with law and practice" after "exclude" would ensure that jurisdictions which do include these items, would be covered.
CLC: No to (b).

China. At present, China excludes the processing of agricultural products from agriculture.

Colombia. SAC: Yes to all; these definitions, although related, do not concern agriculture.

Cyprus. PEO: No to (a) and (c); the activities in these clauses should not be excluded.

Czech Republic. Forestry involves special risks; if a new instrument on forestry work is not intended, it could be possible to include forestry in the instruments on safety and health in agriculture.
CACC: No to (a); yes to (b) even if forestry shares some common characteristics with agriculture, it is not possible to include it.

Denmark. Exclusion of these activities may create delimitation problems, as there is a development of the sector towards increasingly integrated production. However, (a) can be excluded, if it is an industrial process outside the undertaking. Agricultural undertakings where industrial processing of agricultural products takes place should be covered. Many agricultural undertakings have forestry as a significant activity and transport agricultural products to the buyers themselves; on that basis (b) and (c) should be covered.

Ecuador. Yes to (c); the transportation of agricultural products has different characteristics not relevant to agriculture.

Egypt. FETU: Yes to (a) and (c), no to (b); industrial processes and the transport of agricultural products may be excluded because there are other standards concerning safety and health in these areas; however, the forestry industry should not be excluded.

El Salvador. (b) should be included because of its relevance to the subject; (a) and (c) should be excluded for the same reasons.

Ethiopia. No to (c) since this is covered in the transport and communications regulations; it should not be included in this definition.

Finland. FAE: Health and safety of forestry work are dealt with separately in the ILO.
SAK: Forestry needs its own regulations.

France. (a) Yes, unless the agricultural products are transformed in the course of production itself; (c) yes, unless the transport is carried out by the wage-earners of the farm or agricultural undertaking.
CFTC: No to (b) and (c).
FGA, CFDT and MEDEF: No to (c).

Georgia. Exclude from items (a) and (b) the processes or forms of work which are not relevant to agriculture.

Germany. BDA: Yes to (a); no to (b) and (c).
DGB: Yes to (b) and (c); too specific and comprehensive. Their own definitions are required.

Ghana. Factory Inspectorate and Labour Department: These agro-based industrial processes are covered by other regulations.

Greece. PASEGES: No to (a) and (c), the definition of "agriculture" should not exclude agricultural activity.

Guatemala. Yes to (c); transportation is carried out by workers in other enterprises.

Hungary. National Health Office: No to (b).

India. No to (b) and (c); activities mentioned in these clauses are very much related to agricultural activities.

Iraq. GFTU: (a) and (c) must be included in the context of other non-agricultural activities such as transport or industry.

Ireland. (a) These are factories and, as such, come under factories' legislation; (b) forestry is included in our agricultural safety programme; exclude (c), this is, in Ireland, a matter for the Department of Justice and the Police.

Jamaica. JCTU: While (a)-(c) may not be strictly defined as "agricultural", there are some aspects of the forestry industry that can be deemed as agriculture. Thus, there is a need to include cultivation and conservation of forests.

Japan. JTUC-RENGO: No to (b); forestry-related industries should not be excluded.

Kenya. Yes, these three definitions are not "agricultural" per se.
COTU: These matters are covered in other Conventions such as Convention No. 155.

Lebanon. (c) It is necessary to define the nature of the transportation (agricultural worker in charge of the transportation or an occasional transporter).
ACCIA: No to all.

Lithuania. Yes to (a); agriculture is an economic activity which covers production from land, forests and internal waters and primary processing of raw materials on the farm.

Malawi. MCTU: The first two clauses should be included in the definition to cover the entire agricultural sector.

Malaysia. There should be a separate instrument or Convention for the forestry sector. The risk and hazards in the forestry sector are somewhat different.
MAPA: (a) and (c) would be related to other industries.
NUPW: No to (b) and (c).

Mali. Industrial processes and the transportation of products outside the workplace do not give rise to the same concerns as those faced by the worker directly involved in agricultural work.

Malta. The definitions in clauses (a)-(c) are related to agriculture and should not be excluded.

Mauritius. MEF: Yes to (b); no to (c).

Mexico. The definition should only cover those activities carried out before the secondary processing of agricultural products for industrial purposes.

Mozambique. Ministry of the Environment: No to all; agriculture covers all those areas and other more important ones.
SINTAF: No to (b) as forestry is an integral part of agriculture.

New Zealand. Yes to (a); the options would be far-reaching and beyond the needs of this instrument. No to (b); the Government proposes that the Recommendation allow for smallholdings doing forestry work where it is part of the total income from agriculture, but to exclude large commercial stand-alone forests.

NZCTU: Yes to (b).

Norway. (b) If forestry is included, the expression "agricultural and forestry" should be used; (c) transportation of agricultural products performed by people who work on farms should be included in the scope.

Pakistan. PNFTU: No to all.

Philippines. Bureau of Working Conditions: Yes to all; it is better to exclude the content of these clauses because it is covered by other government agencies and overlap of jurisdiction might ensue.

Bureau of Women and Young Workers: No to all; the exclusions in the definition of "agriculture" should be based on consultations with employers' and workers' groups.

NTA: No to (a) and (b).

AMMMA-KATIPUNAN: If the raw materials from agricultural production are transformed in industrial processes, they should be covered by the present measures.

Poland. (c) The definition of the term "agriculture" should also cover the transport of agricultural products to the place where they are to be stored or sold, when performed by the individual self-employed farmer.

Portugal. The activities referred to in (a) and (c) do not involve the same type of hazards as agricultural activities and should be excluded. In the case of clause (b), there are two distinct issues at stake. The forestry industry as a secondary transformation process should be excluded. However, the management, conservation, and exploitation of a forest are complementary to agricultural activities and involve the same hazards; they should therefore be incorporated in the definition of agriculture.

CAP: No to (b).

CCP: Yes to (b).

Slovakia. No to (a) and (b): The definition of "agriculture" should cover the primary processing of products by the agricultural operator himself, as well as the forestry industry or any work performed in a forest related to cultivating, conserving or exploiting forests, as this is linked to soil cultivation.

South Africa. BSA: No to (b); yes to (c). (b) Many of the activities and tasks performed in the forestry industry are the same or similar to those performed on farms and workers should enjoy the same level of protection. (c) The directives for health and safety on farms should stop at the farm gate.

Spain. (b) Delete "... any work performed ...", if it is not well defined; yes to (c) if transportation is carried out by a services enterprise.

Switzerland. USP/SBV: Yes to (b).

USS/SGB: No to (a) and (c).

Togo. (a) This is a matter for the industrial sector; (c) this is a matter for the transport sector.

Turkey. Yes to all; a broader definition comprising all may be more appropriate.

HAK-IS: No to all.

Uganda. Clause (a) should not be excluded, because hazards associated with raw materials remain the same when working in the field, during transportation and at the start of processing.

KSW: Industrial processes and transport are covered by other legislation.

TMTC: As in Question 5(a), forestry activities concerned with cultivating and conservation are related to agriculture.

UNFA: Clause (b) should not be excluded as current emphasis is on agro-forestry for sustainable agriculture.

United Arab Emirates. (a) Industrial operations fall within the definition of agriculture; (b) forestry activities are part of the agricultural sector in the Emirates; (c) transport and post-harvesting activities are part of agricultural operations.

United Kingdom. (a) Industrial processes using agricultural products encompass a wide range of activities (e.g. saw milling, food production, fuel manufacture). These are best dealt with under separate ILO Conventions; (b) agricultural and forestry operations are closely linked. The machinery used is, in many cases, the same and often the processes are carried out on the same premises under the control of the same enterprise; (c) health and safety relating to transportation of agricultural products on public roads should be dealt with under appropriate highways legislation.

TUC: No to (a) and (c).

United States. USCIB: No to all. Specific activities, such as transportation of agricultural commodities and specific industries like forestry, are covered by specific standards.

The Office proposed certain exclusions, based on the very specific occupational hazards and related preventive measures concerning agro-industries, the forestry industry and road transportation by public roads, with the purpose of narrowing the scope to those safety and health provisions directly relevant to agricultural activities, as defined in *Point 4* of the Proposed Conclusions. A majority of the replies favoured the exclusion of industrial processes that use agricultural products as raw material. The Office decided to include agro-forestry in the definition of "agriculture", to solve a controversy among member States concerning the inclusion or exclusion of the forestry industry in the scope of the proposed standards (Question 7(b)). Despite the fact that the exploitation of a forest also implies its conservation, it involves very specific occupational hazards and preventive measures which would broaden the scope of the instrument to such an extent that it would make its application more difficult; the forestry industry, therefore, was excluded. Nevertheless, for the purposes of these standards, the cultivation of seeds and trees in nurseries and the conservation of forests is to be considered as agro-forestry. The inclusion of agro-forestry in the definition of "agriculture" *(Point 4)* and of the ILO Code of Practice on Safety and Health in Forestry Work (1998) in the Preamble of the Proposed Conclusions is intended to overcome these constraints and meet the wishes of member States. This does not preclude the option of certain Members to broaden the scope of agriculture in their own national legislation, as appropriate. A small majority of the replies agreed with the exclusion of transportation of agricultural products outside the workplace. However, some member States felt that such an exclusion should not apply when agricultural products are transported to the place where they are to be stored or when transportation is carried out by the direct producer or self-employed farmer. Furthermore, in certain agricultural undertakings, transport and post-harvesting activities are part of agricultural operations. Therefore, a reference to the exclusion of transportation was avoided, as the definition of agriculture already covers operations or transportation directly related to

agriculture and other relevant national regulations deal with transport on public roads (Question 7(c)) *(Point 5).*

Qu. 8 *Should the proposed instrument(s) cover all workers in agriculture including the self-employed?*

Total number of replies: 84

Affirmative: 73. Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Belarus, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, Estonia, Ethiopia, France, Georgia, Germany, Ghana, Guatemala, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Panama, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Switzerland, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative: 8. Austria, Belgium, El Salvador, Greece, Pakistan, Poland, Spain, Thailand.

Other replies: 3. Finland, Japan, Philippines.

Australia. ACCI: Yes.

Austria. Self-employed workers should be excluded, together with members of their families also working in the enterprise, as long as no contract of employment has been signed.

ÖGB: Yes.

Bahrain. These instruments should cover all categories without any exception. The self-employed are exposed, like other categories, to high rates of accidents and injuries, but they are not covered by any registry or notification system and not entitled to social security benefits.

Barbados. BEC and BWU: Yes.

Belgium. The self-employed are not "workers" in the legal sense of the term. They only come under national legislation in the case of work with a third party on temporary or mobile sites.

CNT: It is not clear whether the intention of this question is to impose an obligation on member States to apply legislation to the self-employed or whether this is to be optional. If the intention is to avoid differences in matters of safety and health between the various categories of workers, then family enterprises should be assimilated with the self-employed.

Botswana. BFTU: Yes.

Brazil. CNT: Yes, with the exception of transport workers who have specific legislation.

Canada. All workers should be covered by the Convention where an employer-employee relationship can be established. Specific provisions should apply to the self-employed. See Questions 6(a), 9(a), 12(b) and 18.

China. Yes; although the self-employed do not have any employment relationship, the Government is responsible for drawing their attention to safety and health legislation.

Costa Rica. Yes, all the labour force in the agricultural sector should be included: waged workers in large and medium-sized enterprises, temporary and seasonal workers, migrant workers, permanent workers small-scale owners, and subsistence farmers.

Croatia. UAFPTIW: Yes.

Czech Republic. CACC: The risks of agricultural activities are equal in all kinds of undertakings.

Denmark. The Convention should cover the self-employed in general, but not cover regulations concerning the design of the workplace.

Dominica. WAWU: Yes, they are the most at risk, usually the poorest and those who need the most protection.

Ecuador. Yes, but with flexibility and progressively according to the different categories of workers.

Egypt. FETU: Yes, particularly since the Egyptian agricultural sector is made up of a large number of self-employed.

El Salvador. No, protection should be provided only to waged workers under an individual or collective contract.

Ethiopia. Yes, but the services to be provided should focus more on training and providing occupational safety and health information than supervision and inspection due to the possible limitations in reaching every individual farmer.

Finland. Some of the provisions of the instruments could cover the self-employed, such as health services and control of certain diseases. These should be mainly in the Recommendation.

France. CFTC: Non-waged workers are often exposed to the same hazards as those of wage-earners.

MEDEF: Including this category into the scope of the envisaged instrument will necessarily imply including a definition of the self-employed.

Germany. DGB: Yes.

Ghana. TUC: Yes, the self-employed are the majority and the least protected.

Greece. The Convention should cover all workers in agriculture except for the self-employed, to whom reference should be made in the Recommendation.

Guatemala. Yes, these are the workers who have less access to safety and health.

India. Yes, a large number of small and medium-sized farmers in India are self-employed.

Iraq. GFTU: Yes.

Jamaica. SPEJ: No, small family undertakings should be excluded but the proprietors need to be aware of the instrument.

Japan. Each country should be given discretion to decide which provisions of the instruments should be applied to the self-employed.

Kenya. COTU: Self-employed receive the least protection in many Conventions.

Lebanon. The instruments should contain a clear and specific definition of the term "agricultural worker", to clarify the repercussions and comprehensiveness of the application of the instruments. A question is to know whether horse trainers, apiary workers and freshwater and ocean fish farmers should be included or not.

Luxembourg. The self-employed (landowners and family workers) are not at present covered by occupational medicine.

Malawi. MCTU: In order to apply health and safety to all workers, it is imperative that even the self-employed be included.

Malaysia. MAPA: No, it would be difficult to enforce such instruments for the self-employed.

Mali. All workers in agriculture are confronted with the same hazards.

Malta. Ideally health and safety should cover all persons involved in agriculture.

Mozambique. Yes, all face the same hazards and should have the same preventive methods.

SINTAF: Yes, if the self-employed practice commercial agriculture and have the appropriate means.

Norway. NHO and LO: The self-employed should not be encompassed by the rules of working environment legislation. They should be encouraged to safeguard their working environment by other means.

Pakistan. No, it will be difficult to enforce law on the self-employed.

PNFTU: Yes, safety and health protection is essential in all agricultural activities, including those undertaken by the self-employed.

Panama. Yes, self-employed workers do not have access to social security schemes in Panama and do not have good occupational safety and health practices.

Peru. The instrument(s) should cover only workers engaged in the same activity for a reasonable period of time.

Philippines. Bureau of Working Conditions: No, this Department has no effective means of regulating self-employed persons and informal agricultural undertakings.

Bureau of Women and Young Workers: Yes, ideally, the self-employed should be covered. However, consideration should be given to the issue of enforcement.

ILS and PAKISAMA: Yes.

AMMMA-KATIPUNAN: Yes, we must include the self-employed because they are the vast majority of the workforce in agriculture and they do not enjoy safety and health protection.

Portugal. The instruments should cover all workers, as the concern is the type of activity and hazards they face.

CAP: Hygiene and safety should be ensured for all workers, but health services should be provided by the national health system.

Russian Federation. All agricultural workers, including temporary workers and working family members, should enjoy equal protection from the effects of hazardous and harmful factors.

Slovakia. The instruments should also cover self-employed persons to a relevant extent; for instance in the case of work carried out at common workplaces of other entities.

Spain. Self-employed workers are generally not covered by such regulations.
ASAJA: Yes.

Sri Lanka. Most of the agricultural workers are self-employed; this category should therefore be covered.

Switzerland. USP/SBV: No, self-employed persons and members of their families working in the undertaking should in any event be excluded.
USS/SGB: Yes, inclusion of self-employment, consideration of family undertakings, improvement of the situation of tenant farmers.

Syrian Arab Republic. Yes, enterprises in which the number of workers exceeds ten, in any one place, employed by a single employer, including those where self-employed workers operate.

Uganda. Hazards remains the same whether the workers are self-employed or not.
FUE: Yes, although it will be difficult to enforce as far as the self-employed are concerned.
TMTC and UNFA: Yes, safety and health in agriculture affects all workers, regardless of the category.
UTA: No, peasants take care of themselves.

United Kingdom. The instrument(s) should include the self-employed, part-time, casual and all other workers including family members who act as employees or self-employed persons.
TUC: The self-employed are exposed to the same risks and may be more vulnerable due to the less regulated nature of the sector.

United States. USCIB: No, any proposed instrument with a coercive enforcement element would be problematic for very small businesses. This would be particularly true for the self-employed where there is no employer-employee relationship.

The majority of the replies agreed with providing the same level of protection to all workers. The aim of the standard is to avoid differences in matters of safety and health protection between the various categories of workers, in view of the fact that a majority of agricultural workers worldwide are self-employed farmers and many others work in undertakings of less than ten workers. The intention of the Office is to reflect this in some provisions of the Proposed Conclusions *(Points 1, 4, 7, 22 and 34).*

Should the proposed instrument(s) provide that the competent authority of a member State, after consulting the most representative organizations of employers and workers concerned: **Qu. 9**

(a) may exclude from the scope of application of the instruments any other process or category of workers; and if so by reference to what criteria?

(b) should, in the case of exclusion of certain agricultural processes or categories of workers, make plans for progressively covering all processes and categories of workers in agriculture?

Total number of replies for clause (a): 85

Affirmative to clause (a): 45. Argentina, Bahrain, Belgium, Brazil, Bulgaria, Colombia, Croatia, Cuba, Cyprus, Czech Republic, Ecuador, El Salvador, Estonia, Ethiopia, Finland, France, Germany, India, Israel, Japan, Kenya, Kuwait, Lebanon, Luxembourg, Madagascar, Malaysia, Mali, Mauritius, Morocco, Mozambique, New Zealand, Nigeria, Pakistan, Panama, Philippines, Portugal, Saint Lucia, Singapore, Slovenia, Spain, Syrian Arab Republic, Thailand, Uganda, United Arab Emirates, Viet Nam.

Negative to clause (a): 33. Algeria, Bangladesh, Belarus, Cape Verde, China, Costa Rica, Egypt, Georgia, Greece, Guatemala, Hungary, Islamic Republic of Iran, Ireland, Italy, Jamaica, Lithuania, Malta, Mexico, Republic of Moldova, Norway, Poland, Romania, Russian Federation, Slovakia, South Africa, Sri Lanka, Switzerland, The former Yugoslav Republic of Macedonia, Togo, Turkey, Ukraine, United Kingdom, Venezuela.

Other replies to clause (a): 7. Austria, Azerbaijan, Canada, Denmark, Dominican Republic, Ghana, Japan.

Total number of replies for clause (b): 83

Affirmative to clause (b): 52. Bahrain, Bangladesh, Belarus, Brazil, Bulgaria, Cape Verde, China, Croatia, Cuba, Cyprus, Ecuador, Estonia, Ethiopia, Finland, Georgia, Greece, Guatemala, Hungary, India, Islamic Republic of Iran, Israel, Italy, Jamaica, Kenya, Kuwait, Lebanon, Lithuania, Malaysia, Mali, Malta, Mauritius, Morocco, Mozambique, New Zealand, Nigeria, Portugal, Romania, Russian Federation, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Turkey, Uganda, Ukraine, United Arab Emirates, Venezuela.

Negative to clause (b): 24. Argentina, Belgium, Colombia, Costa Rica, Czech Republic, Egypt, El Salvador, France, Germany, Ireland, Luxembourg, Madagascar, Mexico, Republic of Moldova, Norway, Pakistan, Panama, Philippines, Poland, Saint Lucia, Spain, Togo, United Kingdom, Viet Nam.

Other replies to clause (b): 7. Austria, Azerbaijan, Canada, Denmark, Dominican Republic, Ghana, Japan.

Algeria. Ministry of Agriculture: No to (b); the competent authority of the member State is party to this provision and will contribute to its implementation in accordance with the regulation specific to each State.

Ministry of the Environment: Yes to (b); it is essential that in the future all categories of workers are covered by the instrument.

CAP: Yes to (a) and (b); this provides for flexibility.

Argentina. Yes to (a), manufacture processes related to agriculture and livestock breeding.

UATRE: No to (a), there should be no general exclusion of categories of workers.

Australia. ACCI: No to (a); yes to (b).

Austria. If no definition of agriculture is given and member States have no opportunity to draw such a distinction, the answer to (a) should be "yes". However, the criterion for exclusion should be that workers not considered as agricultural workers by virtue of this distinction must be given the occupational safety and health protection applicable in other sectors of the economy.

PKLK and ÖGB: Yes to (a); no to (b).

LAKT: No to (a) and (b).

Azerbaijan. ATUC: No to (a).

Bangladesh. Appropriate measures should be undertaken by the organization.

Barbados. BEC: No to (a) and (b).

BWU: No, there should be no general exclusions.

Belgium. Apart from the forestry industry and fish farming, the instrument might provide for possibilities of excluding certain procedures or categories of workers for limited periods.

CNT: No.

Botswana. BFTU: No to (a); yes to (b); some processes or categories of workers may not yet be known and may be included in the future — if appropriate and if the need arises.

Brazil. FUNDACENTRO: No to (a).

Bulgaria. (a) The following criteria could be used: the limited period during which tobacco can be harvested and specific systems of gathering tobacco.

Canada. In (a) add "in whole or in part" after "instruments" and for example of possible criteria for exclusion, see our comments on Question 6(a) concerning the need to differentiate between family farm and corporate or commercial operations; (b) should be clarified: if this means that all processes or categories which have been excluded should nevertheless be the subject of plans to progressively cover them, this would remove the flexibility given.

CLC: No to (a); yes to (b).

China. From a long-term point of view, policies concerning safety and health should be applicable to the whole process of agricultural production and to all agricultural workers; however, owing to unbalanced development, governments should be able to work out plans and carry them out step by step.

Colombia. SAC: The criteria for exclusion could be: the configuration of the sector, the level of technological development and geographical location.

Costa Rica. There should be no general exclusions of categories of workers and processes.

Cyprus. As a general principle such exclusions should not be spelled out in the instruments. However, for the purpose of granting them more flexibility, the possibility of exclusion of certain agricultural processes or categories of workers may be considered — provided that plans are made for progressively covering such processes or categories.

Czech Republic. CACC: No to (a); it is not possible to determine in advance, but after the application of the instrument and the identification of problems.

TUWAF: No to (a).

Denmark. In principle, there should be no exceptions, but it could be expedient with such an option. A final decision will, among other things, depend upon the final wording of the Convention.

Dominican Republic. This should be decided based on a consensus among member States. A consultation may be necessary for the next report.

Ecuador. Yes, as global application is impossible, there will be a short-, medium- and long-term process, which implies certain exclusions and cases which may need special treatment.

Egypt. FETU: Yes to (a) and (b), to allow a certain flexibility in the Convention so that it might acquire a large number of ratifications.

El Salvador. Yes, it should apply to those directly involved in agriculture and under a contract of employment.

Ethiopia. This should be done as it is common to all adopted ILO Conventions and Recommendations.

Finland. Consultations should be appropriate, including the most representative organizations of the self-employed — as far as their work is concerned; (b) could be included in the Recommendation.

France. By referring to the criterion of the social status of the worker (certain provisions might for example not apply to the self-employed).

MEDEF: No to (a); member States should be allowed to organize gradually the inclusion of certain workers in the scope of the instrument.

CFTC: No to (a).

FGA and CFDT: No to (a); yes to (b).

Germany. BDA: Yes to (a), no to (b).

DGB: No to (a); the question is why groups of agricultural workers should be excluded.

Ghana. Factories Inspectorate: Any type of agricultural operation or process which does not pose any risk of injury to health and safety.

Labour Department: Yes to (a) and (b); there should be no exclusion. Comprehensive coverage of all processes and categories of workers.

TUC: No to (a) and (b); there should be no exclusion.

Greece. PASEGES: No to (b).

Guatemala. Yes, specific plans could be made to cover all agricultural activities, taking into account the level of development.

Hungary. National Health Office: No to (b).

Workers' organizations: Yes to (a), but only on the basis of the consensus of the employer and employees (the consultation itself is insufficient).

Iraq. GFTU: Yes to (a) and (b).

Italy. Provide for the gradual inclusion of the self-employed in the scope of the instrument.

Jamaica. JCTU: Yes to (a).

Japan. (a) It is appropriate to make such exclusions "in cases deemed necessary taking into consideration domestic circumstances" and to allow the individual country to determine the specific circumstances; (b) therefore, "where it is possible", should be added, or, as a legally binding document, the instrument(s) should be limited to listing the reasons for exclusion or the measures to be taken for progressive expansion of coverage in the reports which will be submitted to the ILO.

Kenya. COTU: Yes, if workers are family members.

Kuwait. The exclusion of certain categories of workers should be permitted due to the seasonal, casual, part-time or unstable nature of employment.

Lebanon. Yes to (a), but the exclusion should be dependent on the nature of categories and processes excluded to which it is difficult to apply the same criteria; yes to (b), provided that it is according to the attributes of each member State and the decisions of the competent national authority.

ACCIA: No to all.

Madagascar. The exclusion must be carried out by defining specifically the various categories, taking into account the nature of their activities and their working environment.

Malawi. **MCTU**: No to (a), yes to (b). Great care must be taken not to exclude any other processes or category of workers in order to avoid oppression, victimization, neglected accidents and ill health.

Malaysia. This provision is necessary to expedite implementation and enforcement of the legislation.

NUPW: No to (b); exclusion should be limited to workers who are covered by industrial processes.

Mali. This would allow member States to take account of their specific characteristics.

Mauritius. **MEF**: Taking into consideration the local context and existing legislation, certain processes and categories of workers may be excluded.

Mexico. All categories should be considered, without any exception.

Morocco. (a) Those working in a family establishment or as part of a customary production process that is not part of occupational relations.

Mozambique. All activities and all workers' categories should be included.

Ministry of Environment: No to (a) and (b).

SINTAF: No to (a) and (b); only agricultural workers of the administrative sector can be excluded.

New Zealand. **NZCTU**: (a) Provided that the guidance about appropriate criteria is contained in the Recommendation accompanying the Convention.

Norway. **LO**: Yes to all.

NHO: Yes to all; (a) where national considerations make it necessary, there may be a need for exclusion if full adjustment is not possible; (b) such exclusions should probably, as far as possible, be regarded as transitional arrangements.

Pakistan. The criterion should be to provide facilities to the agricultural sector and its labour force in order to avoid an overlapping with other sectors of economy.

PNFTU: No to (a).

Philippines. Bureau of Working Conditions: Yes to (a); no to (b). The instruments should preferably exclude cases where there is no clear employer-employee relationship.

Bureau of Women and Young Workers, ILS and PAKISAMA: Yes to (b).

NTA: No to (a); yes to (b).

AMMMA-KATIPUNAN: No to (a); yes to (b) to avoid a discriminatory approach towards the agricultural workforce.

Portugal. (a) Different national conditions should be taken into account to allow for the application of the instrument; (b) provided that exclusions would be transitional in nature.

CAP: Yes, on a case-by-case basis.

CCP: No to (a).

CGTP-IN: No to (a) and (b); in the case of occupational safety and health matters there should be no general exclusions of categories of workers, activities or tasks.

Russian Federation. The relevant list of branches, industries, types of production and occupations could be reviewed periodically.

Singapore. Member States should be given such flexibility.

Slovakia. Yes to (b); fishery or forestry or small owners who supply themselves may be excluded in individual countries.

South Africa. BSA: Yes to (a); flexibility in an instrument is always important to countries in which the practical application of the directives could be problematic; and it would certainly increase the level of ratification by member States. However, it should be considered with great circumspection and not result in workers being exposed. Yes to (b), as the ultimate goal should be to protect all farm workers equally and ensure that they enjoy levels of protection comparable to other sectors of the economy.

Spain. ASAJA: Yes to (b), taking into account special circumstances.

Sri Lanka. The industrial processes which are integrated in agricultural work should be progressively incorporated.

Switzerland. USP/SBV: Yes to (a); no to (b).
USS/SGB: (b) No exceptions should be allowed.

Syrian Arab Republic. Some categories may be excluded for a given period from the scope of the Convention, but the goal is to gradually include all operations and categories of workers.

Turkey. HAK-IS: No to (b).

Uganda. If covered somewhere else.
FUE: Yes to (a), with regard to the nature of the contract; no to (b).
KSW: No to (a) and (b); such a provision will create double standards.
TMTC: Yes to (a), only if the scope of any other process is not purely agricultural; no to (b).
UNFA: Yes to (b); global coverage may not be possible as agriculture is so diverse.
UTA: Yes to (a) in the case of self-employed agricultural workers (peasants); no to (b).

Ukraine. (b) Where members of the families of owners of enterprises or of self-employed persons in agricultural enterprises are excluded, plans should be made for progressively covering all workers.

United Arab Emirates. If required by the regulations governing the excluded category.

United Kingdom. TUC: The TUC does not accept that there should be exemptions.

United States. USCIB: (a) See comments to Question 5; no to (b).

A little more than half of the replies received agreed with the exclusion of certain categories of agricultural activities or categories of workers. However, based on the comments of some Members concerning the possible limitations they might have in the application of the standards, mainly due to the size of the enterprise, the text of Question 9 was included in the Proposed Conclusions in order to provide flexibility in the application of the instrument, with the provision that the exclusion should not compromise the health and safety of agricultural workers. Such a reference can also be found in other ILO Conventions *(Point 6)*.

II. General principles

Qu. 10

(a) Should the instrument(s) provide that Members should adopt a national policy with the aim of preventing accidents and diseases in agriculture?

(b) Should the policy require those responsible for implementing it to:

(i) establish priorities for action, identify major problems, develop effective methods for dealing with them and evaluate results?

(ii) take into consideration technological progress and knowledge in the field of safety and health in agriculture, including relevant standards, guidelines and codes of practice adopted by recognized international organizations and changes in international regulations?

(c) Should the policy provide for a system for the surveillance of the health of workers in agriculture and their working environment covering at least the following:

(i) hazardous chemicals;

(ii) toxic, infectious or allergenic biological agents;

(iii) carcinogenic substances or agents;

(iv) noise and vibration;

(v) ergonomic hazards and injuries;

(vi) extreme temperatures;

(vii) solar ultraviolet radiations;

(viii) transmissible animal diseases;

(ix) contact with wild and poisonous animals;

(x) special health surveillance measures for young workers and pregnant women?

Total number of replies for clause (a): 83

Affirmative to clause (a): 82. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic,

Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative to clause (a): 1. Slovakia.

Total number of replies for clause (b)(i): 83

Affirmative to clause (b)(i): 78. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative to clause (b)(i): 4. Czech Republic, Jamaica, Slovakia, Syrian Arab Republic.

Other replies to clause (b)(i): 1. Japan.

Total number of replies for clause (b)(ii): 84

Affirmative to clause (b)(ii): 70. Argentina, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Kenya, Kuwait, Lithuania, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Panama Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovenia, South Africa, Sri Lanka, Switzerland, Thailand, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela.

Negative to clause (b)(ii): 11. Algeria, Bahrain, Jamaica, Luxembourg, Pakistan, Slovakia, Spain, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, United Arab Emirates, Viet Nam.

Other replies to clause (b)(ii): 3. Canada, Japan, Lebanon.

Total number of replies for clause (c)(i): 84

Affirmative to clause (c)(i): 78. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China,

Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative to clause (c)(ii): 5. Denmark, Jamaica, Norway, Spain, Syrian Arab Republic.

Other replies to clause (c)(ii): 1. Japan.

Total number of replies for clause (c)(iii): 84

Affirmative to clause (c)(iii): 78. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative to clause (c)(iii): 5. Denmark, Jamaica, Norway, Spain, Syrian Arab Republic.

Other replies to clause (c)(iii): 1. Japan.

Total number of replies for clause (c)(iii): 84

Affirmative to clause (c)(iii): 77. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Togo,

Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative to clause (c)(iii): 6. Denmark, Jamaica, Madagascar, Norway, Spain, Syrian Arab Republic.

Other replies to clause (c)(iii): 1. Japan.

Total number of replies for clause (c)(iv): 84

Affirmative to clause (c)(iv): 74. Argentina, Austria, Azerbaijan, Bahrain, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, Ireland, Israel, Italy, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (c)(iv): 9. Algeria, Bangladesh, Denmark, Islamic Republic of Iran, Jamaica, Norway, Spain, Syrian Arab Republic, United Arab Emirates.

Other replies to clause (c)(iv): 1. Japan.

Total number of replies for clause (c)(v): 83

Affirmative to clause (c)(v): 73. Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finlaad, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, Ireland, Israel, Italy, Kenya, Kuwait, Lebanon, Lithuania, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (c)(v): 9. Algeria, Denmark, Islamic Republic of Iran, Jamaica, Luxembourg, Madagascar, Norway, Spain, Syrian Arab Republic.

Other replies to clause (c)(v): 1. Japan.

Total number of replies for clause (c)(vi): 83

Affirmative to clause (c)(vi): 69. Argentina, Austria, Azerbaijan, Bahrain, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, India, Ireland, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Pakistan, Panama, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (c)(vi): 13. Algeria, Bangladesh, Denmark, Islamic Republic of Iran, Israel, Italy, Jamaica, Madagascar, Norway, Philippines, Spain, Syrian Arab Republic, United Arab Emirates.

Other replies to clause (c)(vi): 1. Japan.

Total number of replies for clause (c)(vii): 82

Affirmative to clause (c)(vii): 65. Argentina, Austria, Azerbaijan, Bahrain, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, Georgia, Germany, Greece, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Kenya, Kuwait, Lebanon, Lithuania, Malta, Mauritius, Mexico, Mozambique, Philippines, New Zealand, Nigeria, Pakistan, Panama, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (c)(vii): 16. Algeria, Bangladesh, Denmark, Ethiopia, France, Guatemala, Jamaica, Luxembourg, Malaysia, Mali, Republic of Moldova, Morocco, Norway, Spain, Syrian Arab Republic, United Arab Emirates.

Other replies to clause (c)(vii): 1. Japan.

Total number of replies for clause (c)(viii): 82

Affirmative to clause (c)(viii): 74. Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, Philippines, New Zealand, Nigeria, Pakistan,

Panama, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative to clause (c)(viii): 7. Austria, Denmark, Guatemala, Jamaica, Norway, Spain, Syrian Arab Republic.

Other replies to clause (c)(viii): 1. Japan.

Total number of replies for clause (c)(ix): 82

Affirmative to clause (c)(ix): 68. Algeria, Argentina, Azerbaijan, Bahrain, Belarus, Belgium, Brazil, Bulgaria, Canada, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Kenya, Kuwait, Lebanon, Lithuania, Malaysia, Mali, Malta, Mauritius, Mexico, Morocco, Mozambique, New Zealand, Nigeria, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (c)(ix): 13. Austria, Bangladesh, Cape Verde, Denmark, Guatemala, Jamaica, Luxembourg, Republic of Moldova, Norway, Spain, Switzerland, Syrian Arab Republic, United Arab Emirates.

Other replies to clause (c)(ix): 1. Japan.

Total number of replies for clause (c)(x): 83

Affirmative to clause (c)(x): 75. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Kenya, Kuwait, Lebanon, Lithuania, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (c)(x): 7. Denmark, Jamaica, Luxembourg, Norway, Spain, Syrian Arab Republic, United Arab Emirates.

Other replies to clause (c)(x): 1. Japan.

Algeria. Yes to (b) for action programmes to prevent occupational hazards and evaluate results.

Ministry of Agriculture: (b)(iii) Yes, it is very important to benefit from the experience of other countries; (c) yes.

Ministry of the Environment: (a) The instrument must be backed by a national policy of prevention; no to (b)(i); yes to (b)(ii) because, in order to be effective, this policy must take into account technological progress and knowledge; yes to (c)(iv)-(viii).

CAP: Yes to (a), because without a national policy of prevention it would be difficult to take on board an international instrument; (c) yes, the list of harmful factors must remain open according to the specific characteristics and development of technologies — but trying to avoid this becoming too cumbersome and expensive.

Argentina. (a) A national policy should establish the principles, keeping in mind the regional characteristics of the country; (c) all these factors are covered by national legislation — with the exception of vibrations and contact with wild and poisonous animals.

UATRE: (a) Yes, there is a need to build in regular reviews of such a policy; (b) a national policy should include specific recognition of the fact that trade unions play an active role in agricultural health and safety and introduce a system of union-appointed safety representatives or safety committees. On account of the nature of the industry — i.e. farms are often of varying size and dispersed over wide geographical areas — mobile or roving safety representatives may need to be appointed; (c) as a minimum, all items in paragraph (c) should be covered.

Australia. **ACCI**: Yes to (a), (b)(ii), (c)(ii), (c)(iii), (c)(iv) and (c)(viii); no to (b)(i), (c)(i), (c)(v), (c)(vi), (c)(vii), (c)(ix) and (c)(x).

Austria. **PKLK**: (b)(ii) The protection level stipulated by the European Union (EU) should, first of all, be established everywhere; (c) these systems already exist in the EU; their application should be promoted everywhere.

LAKT: Yes to (c)(viii) and (c)(ix).

ÖGB: No to (b)(ii); yes to (c)(viii) and (c)(ix).

Azerbaijan. (b) In implementing an agricultural policy, member States must take into account the possibilities available and international standards.

Bahrain. (a) These priorities will be established in the light of the findings to this questionnaire, based on coordination between the organizations and the relevant state ministries; (c) workers should be informed about the hazards inherent in their work and means of prevention; they should also be provided with the necessary services to ensure prevention and their protection.

Barbados. **BEC**: No to (a) and (c)(ix); yes to (b), (c)(i)-(viii) and (c)(x).

BWU: Yes to all; (a) there is a need to build in regular reviews of such a policy.

Belgium. **CNT**: Yes, provided that this policy is drawn up in consultation with the employers' and workers' representative organizations.

Botswana. **BFTU**: Yes to (a), (b)(i), (c)(i)-(v) and (c)(x); no to (b)(ii) and (c)(vi)-(ix).

Brazil. (b) Brazil could take advantage of other countries' initiatives; (c) a number of activities are carried out according to different technological levels of development which multiply hazards; the list of factors should therefore be as broad as possible.

FUNDACENTRO: (c) Include mechanical hazards.

FS: No to (b)(i), (c)(ii), (c)(iv)-(viii) and (c)(ix).

Canada. (a) It is understood that the term "national" means, in the case of federal States, the federal, provincial or territorial authority — or all of these as the case may be. Add a reference to "injuries" after "diseases"; (b)(ii) add "recognized industry safe practices" after

"recognized international organizations"; (c) the Convention should clearly indicate that medical surveillance of all workers is not a substitute for prevention and control of occupational hazards; it is merely a tool, which, when properly utilized under the right conditions, will minimize the risk to the health of workers; (c)(xi) add "materials handling, personal protective equipment, tools and machinery, confined spaces".

CLC: Yes to (b)(ii); clauses (b)(i) and (b)(ii) must be addressed together; (c) environment surveillance is more important than worker-health surveillance, which should be carried out only where needed.

China. A system concerning noise and others risk factors can only be established progressively taking into account the level of economic development.

Costa Rica. (b) Those responsible for implementing the policy should assess the working processes in order to apply preventive measures; the National Safety Council has a methodology to deal with the agricultural sector; (c) include: work organization, work content, health surveillance risk assessment and safety and health auditing.

Croatia. **UAFPTIW**: Prevention is the most important element of a national policy.

Cyprus. Health surveillance should also cover breastfeeding mothers and women who have recently given birth. Furthermore, the provisions for a system for health surveillance regarding (c)(v), (c)(vi), (c)(vii) and (c)(ix) should be included in the Recommendation.

Czech Republic. Dust exposure must be added to the list of factors. This covers the exposure of workers to mineral dust, for example during the harvest of cereals, as well as plant dust; clause (c)(ii) does not cover all effects of plant dusts, as not only their allergenic effects are harmful.

CACC: (a) The adoption of preventive measures aimed at lowering accident and sickness rates — as specified in other instruments — is in the interest of each Member; (b) priorities should be evaluated in the light of scientific and technological developments resulting from national law; no to (b)(ii) and (c).

TUWAF: Yes to (b)(i).

Denmark. (a) As part of the policy, action plans should be launched which are targeted towards the essential working environment problems in agriculture. These should be, to the greatest possible extent, drawn up and implemented in cooperation with the social partners; (c) the health surveillance of workers in agriculture should only be carried out if preventive examination methods exist. It should be possible to seek medical assistance according to national regulations.

Ecuador. There must be flexibility to enable countries to comply with and implement clauses (b)(i) and (b)(ii), due to considerations such as time, resources and political compromises.

Egypt. (a) To protect agricultural workers; (b) in order to determine the extent of the problem, the necessary changes must be made on a continuing basis.

FETU: Yes to all; (a) provided that the proposed Recommendation contains the bases and modalities necessary for these policies; (b) include in the Recommendation; (c) add to the list: surveillance of irrigation water and its chemical pollutants; and, for certain countries with many rivers such as Egypt, the monitoring of biological hazards.

El Salvador. (a) Yes, if such a policy is implemented by governmental institutions and in consultation with the social partners; (c) the policy should progressively cover the areas referred to.

Ethiopia. (a) The policy should reflect the local conditions regarding safety and health problems in agriculture; (b) these matters are important issues to be considered by those implementing the policy.

Finland. The end of the text in (c): "should the policy provide for a system for the surveillance of the health of workers in agriculture and their working environment covering at least the following", should be amended as follows: "... covering when relevant, the following".

France. **MEDEF**: No to all; (b) these last requirements, given their complexity and specific nature, may be accepted within a Recommendation which takes more consideration of the necessary partnerships involved; (c) same comment for (b).

CFTC: (a) The prevention of occupational accidents should be extended to all categories of workers; (c) there must, at all cost, be a surveillance system.

FGA and **CFDT**: No to (b)(ii) and (c)(vii).

Germany. **BDA**: Yes to (a), (b)(i) and (c)(i)-(x); no to (b)(ii).

DGB: Yes to (a); (c) include vapours and dust (silos).

Ghana. Factories Inspectorate: Yes to (c)(vi) and (c)(ix); no to (b)(i) and (c)(viii); (a) a policy is necessary to provide direction and focus in the promotion of occupational safety and health; (b) establishing priorities for action will not cover the wide range of hazards; (c) necessary because of the widespread use of hand tools and exposure of young workers and women to toxic chemicals and dangerous machinery.

Labour Department: Yes to (b)(i) and (c)(viii); no to (c)(vi) and (c)(ix); (a) yes, to regulate and direct efforts of the member State to implement safety and health in agriculture.

TUC: (a) This is crucial for the effectiveness of the instrument. It should spell out our national objectives; yes to (b) and (c).

Guatemala. (a) Each country should adopt a system of prevention, notification and recording of occupational accidents and diseases in agriculture.

India. (a) This is essential in India; (b) prioritization will help India identify and solve the problems; (c) in the light of the increasing use of machinery and agro-chemicals, a suitable surveillance of workers must be a priority.

Iraq. **GFTU**: No to (a); this policy should be included in a global national policy on the prevention of accidents in all occupational sectors.

Israel. (a) Should be included in the Convention.

Jamaica. **JCTU**: (a) No, it is hoped that the development of a national policy will be central to all instruments promoting environmental and occupational safety and health; yes to (b) and (c).

SPEJ: Yes to (b)(i) and (c)(i)-(vi).

Japan. (a) Provided that each country has discretion to decide upon its policy for the prevention of accidents and diseases; (b) if the instrument is to be adopted as a Recommendation, yes to both (b)(i) and (b)(ii); if it is to be adopted as a legally binding document, no — because Members might adopt various types of policies; (c) the self-employed represent a large proportion of the agricultural population and, if they bear the responsibility for their own health and safety, it is difficult to implement monitoring and enforcement. A uniform "system for the surveillance of the health of workers in agriculture and their working environment" will become an obstacle to the application of the instruments; thus the policy should provide for "measures which aim for the improvement" and not the "system for the surveillance". The term "at least" should be excluded. Clauses (c)(i), (c)(ii) and (c)(iii) could be combined in one provision for the "materials or agents which are feared to be hazardous to the health of workers in agricul-

ture". Each Member could then decide the materials or agents to be included in the list. Clauses (c)(iv), (c)(vi) and (c)(vii) should be combined in one paragraph providing for "working environments feared to be hazardous to the health of workers in agriculture". In (c)(v), it is unclear which hazards and injuries the instrument is attempting to cover: if these are accidents due to machinery they should be spelled out more clearly. (c)(viii) Transmissible animal diseases are relevant to agriculture and prevention as a whole; it should therefore be provided that these diseases are specified "according to national law and practice". (c)(ix) These measures are very difficult to implement and should be excluded or left as an example. Clause (c)(x) differs in nature from (c)(i)-(ix) and would be more appropriate under Question 12. The phrase should be "young workers and pregnant women and nursing mothers".

Kenya. (b) Member States' levels of economic development and relative ability to have measurement methods in place should be recognized; (c) routine surveillance and monitoring will be necessary to ensure compliance.

COTU: (a) National policy is crucial to the systematic development of safety and health in agriculture and it also shows commitment from the government; (b) this will ensure a systematic approach to safety and health in agriculture.

Lebanon. It is important to include a text in the Recommendation on the need to have a physician in agricultural undertakings employing a specified number of workers, in accordance with national laws. It is also suggested that there should be an annex to the proposed instruments listing common injuries and occupational diseases in agricultural work. The proposed Recommendation could contain provisions on reporting work injuries and occupational diseases in agriculture; (b)(i) priorities have to be established by each State in accordance with requirements and capabilities; (b)(iii) possibly by way of guidance, provided that such a clause is included in the Recommendation; (c) with all preventive measures mentioned above.

ACCIA: (b)(i) Provided that the situation of each country is taken into consideration; (b)(iii) possibly in the Recommendation; (c) surveillance is a priority for the effective implementation of any measure related to work in the various sectors according to the capacities of the country concerned.

Malawi. MCTU: (b) The authorities should strive to follow and take into consideration very seriously those suggestions; (c) yes to all.

Malaysia. MAPA: (b) They should include guidelines on safety and health drawn up by the industry itself; (c)(vii) yes.

NUPW: Yes to (c)(vii).

Mali. An additional system of surveillance is vital to ensure application of the Convention.

Malta. (a) A national policy adopted by member States will ensure uniformity, control and standard measures; (b) the policy should involve all those responsible for implementing it in all agricultural activities; (c) the policy should cover all topics mentioned, because each aspect requires its own safety measures.

Mauritius. (a) This will make it possible to set clear objectives at the national level after consultation with the social partners; (b) it will be a source of reference to individual enterprises, especially large ones, when they are formulating their safety and health policy.

MEF: (a) This would result in a reduction of workdays lost and medical expenses and in improvements in labour output and productivity and welfare; (b) this would help increase safety awareness and the prevention of industrial accidents and diseases; no to (c)(ix).

Mexico. (b)(ii) According to national technical conditions; (c) yes to all, include mechanical hazards, and those due to equipment, tools, falls from heights and transportation.

Mozambique. (b) Yes, to guarantee the sustainability of the policy and the training of the responsible technicians; (c) include information and training.

Ministry of the Environment: (c) In the first phase of the policy, these issues would be highly relevant with the exception of (c)(viii) and (c)(ix).

New Zealand. (c) The following statement should be included in the Convention: "the policy should provide for a system for the surveillance of the health of workers in agriculture and their working environment"; the hazards listed would be listed in the Recommendation, with details on how to manage these hazards in individual codes of practice.

NZCTU: The hazards listed should be included in the Convention.

Nigeria. (a) The policy should complement the national policy on occupational safety and health.

Norway. LO: Yes to all; (c) member States must be able to enact national legislation based on international minimum standards, including a system encompassing surveillance of agricultural workers' health and working environment.

NHO: (c) Workers in agriculture need a body of rules to provide protection against toxic agents and other factors; however, the wealth of detail proposed here may be unnecessary. Section 11 of the Working Environment Act lays down clear-cut rules for handling substances dangerous to health, including biological agents that are toxic or dangerous to health. A corresponding structure should also be sufficient in a Convention or Recommendation.

Pakistan. (a) The policy in this respect should be flexible and in accordance with national conditions; (c) all of the cited categories may be included in the policy as guidelines for the purpose of formulating a Recommendation.

PNFTU: (a) This is essential because of mechanized farming, modern technology and the use of chemicals such as fertilizers and pesticides, which increase the risks to safety and health; yes to (b) and (c).

Panama. (c) Include health promotion, hygiene and safety and bio-psychosocial changes oriented towards safety activities.

Philippines. Bureau of Working Conditions: (b)(i) and (b)(ii) The instruments should clearly indicate who should be the primary lead government agency responsible for their implementation — and such an agency should be trained first by the ILO or a similar institution; no to (c)(vi).

Bureau of Women and Young Workers, ILS and NTA: Yes to (c)(vi).

AMMMA-KATIPUNAN: No to (b)(i), (c)(ii)-(c)(v) and (c)(vii)-(x); (b) implementation must be flexible but strict to ensure direct and progressive results for the sector; (c) due to the modernization of agricultural technology, the use of chemicals in processes is high. There must therefore be preventive measures against hazardous chemicals.

Portugal. CCP: (a) Yes, unless it already exists in European or national legislation.

CGTP-IN: Hazards should be dealt with in a comprehensive manner, taking into account each of them, their interdependence and the accumulative risks involved.

Russian Federation. (b) National standards should take into consideration international instruments; (c) all these factors can cause occupational diseases — especially among young workers — and pathological changes in the workers' offspring.

Singapore. (a) This should cover all sectors of the economy; (b) the policy should have such flexibility; (c) the terms "confined spaces", "intense visible and infrared radiations" should also be included in the list.

Slovakia. (a) and (b) The principles are sufficiently developed for all branches of economic activity in Convention No. 155. However, the issue may be solved by reference to the relevant Convention; alternatively it could be supplemented by listing the specific problems in agricul-

ture; (c) it is necessary to deal with the specific nature of hazards in agriculture, within the proposed instruments, applying Conventions Nos. 139, 148 and 170.

South Africa. (a) Unless it is already covered under a national policy for all workplace activities; (c) yes to all and add "biological monitoring, medical surveillance and epidemiology or medical geography incorporating geographical information systems (GIS)".

BSA: (a) After consultation with the most representative employers' and workers' organizations and according to national law and practice; (b) it needs a certain flexibility to accommodate the needs of developing countries, where it may be too expensive to manage the policy as set out in the proposed text; (c) same as (b) and apply its principles together with the guidelines of the Recommendation; (c)(v) provided that these hazards are specified; (c)(vi) if the "extreme temperatures" are caused by climatic conditions, rigid prescriptions may cause difficulties in implementation because agricultural workers are exposed to the hot weather; attempting to find a way of regulating work conditions to eliminate it appear to be impractical; (c)(vii) the same as (c)(vi); in (c)(ix) include also dangerous animals; no to (c)(x), all workers should be adequately protected.

Spain. (c) According to national law and practice, health surveillance should cover the specific risk of the activities undertaken.

ASAJA: (a) Preventive measures should be integrated to avoid inequity and unfair competition; yes to (c)(i)-(iv) and (c)(vi)-(x); delete (c)(v), everyone adapts to their own environment.

Sri Lanka. (a) In view of the high rate of mechanization and use of chemicals, a national policy is imperative; (c) local conditions may demand greater emphasis on some of the factors listed.

Switzerland. (a) The backing of training and information institutions will guarantee the implementation of such a policy.

USP/SBV and USS/SGB: Yes to (c)(ix).

Turkey. TURK-IS: (a) Yes; (b) a national policy should include the specific recognition of the active role of trade unions in agricultural safety and health through a system of union-appointed safety representatives and safety committees. Because of the nature of the industry — with farms often dispersed over wide geographical areas and of varying size — mobile or roving safety representatives may need to be appointed.

Uganda. (b) Such responsible persons should coordinate their work and plan in detail their responsibilities.

FUE: Yes to all.

KSW: Yes to all; (b) policy implementation needs a systematic approach and sound knowledge.

TMTC: (a) Prevention is better than cure and a national policy is necessary to assist in preventing accidents and diseases; yes to (b)(i); no to (b)(ii); each country should adapt and apply the instruments on the basis of the relevant national laws and evaluate results; yes to (c)(i) and (c)(ii); no to (c)(iii)-(x). The Recommendation on safety and health should be confined to purely agricultural aspects, such as agricultural chemicals; other aspects should be covered by separate Recommendations.

UNFA: (a) A national policy will provide scope for adjustments to address any unique situations that might occur; (b) both are necessary to promote an outward-looking policy as agriculture is a dynamic discipline; yes to (c)(i)-(iii), (c)(viii) and (c)(x); no to (c)(iv)-(vii); (c)(ix) a system of surveillance is important as cases tend to go unnoticed due to the large size of the sector.

UTA: Every aspect of health for workers engaged in commercial agriculture should be covered; no to (c)(iii) and (c)(vii).

United Kingdom. (a) Yes if it allows for flexibility in the approach. Any proposed instruments should be goal-setting in approach, ensuring that the resultant policy satisfies identified "key" criteria to allow individual States to adopt or continue to apply their existing regulatory framework, subject to meeting these criteria. (b) Subject to the response to (a). In (c), where appropriate, health surveillance should form part of a health risk management programme. However, before agreeing to the inclusion of "health surveillance", the Government would need to know how the ILO intended defining it and whether there would be any risk-based trigger points for the requirement. Generally, health surveillance should not be used as a substitute for preventing and controlling harmful exposure to hazardous substances. The United Kingdom would not support a policy which provided for the "automatic" health surveillance of agricultural workers who may be exposed to chemicals, etc.; but it may be appropriate to make health surveillance compulsory if and when agricultural workers are liable to be exposed to any particularly toxic or acutely carcinogenic substances. Health surveillance arrangements should be appropriate to the circumstances in the workplace, acknowledging that some procedures, especially those involving the use of health professionals, can be time-consuming and expensive. It is particularly important, therefore, that the results from health surveillance are used to improve the protection of individual employees and to assist employers in improving their general risk-control measures. (iv) Yes to the requirement for health surveillance in relation to levels of exposure to noise and hand-arm vibration likely to cause ill-health, where there are proven and diagnosable ill-health effects and a good dose-response relationship, but not in relation to whole body vibration where the health effects and dose response relationship remain uncertain. (ix) The valid methods of detection of ill-health associated with these hazards do not at present exist and/or the link between the work activity and the ill-health effect is uncertain. Health surveillance is therefore not appropriate at this time.

TUC. There are difficulties with the provision of health surveillance by employers; it is for this reason the Occupational Health Services Convention, 1985 (No. 161), is important, as well as the ILO Code of practice on recording and notification of occupational accidents and diseases.

United States. USCIB. No to all. (c) absent from this question is any apparent consideration of whether exposure to infectious or toxic agents, ergonomic hazards, or exposure to other particular hazards may not be occupationally related. There seems to be some danger here that farm employers will be made responsible for diseases beyond the reasonable scope of their responsibilities.

Since the majority of the replies received from member States agreed with the proposed texts in both Questions 10 and 11, the Proposed Conclusions have been drafted accordingly and regrouped for consistency, to deal with the reference to the national policy, the duties of those responsible for implementing it and the provisions to be specified in national laws and regulations for the implementation of the policy. The great majority of the replies also agreed with the list of factors to be covered by the occupational safety and health surveillance system. Following some comments from member States, the list was extended to include: exposure to mineral and organic dusts, (e.g. during harvesting) and exposure to toxic vapours (e.g. from silos and other confined spaces); ergonomic hazards were also specified, as requested. A number of member States requested the inclusion of a reference to the Maternity Protection Convention, 1952 (No.103) and its accompanying Recommendation, when commenting on the protective measures for women workers. However, as this Convention is presently deemed for revision and subject to standard-setting, this is not possible at the moment. The second discussion of the Committee on Maternity Protection will take

place at the 88th Session of the Conference in June 2000. The Conference may wish to look into this matter during the second discussion of these standards, when the above-mentioned instrument would have been adopted and the final text available. Certain members also requested a specific reference to the Minimum Age Conventions, 1973 (No. 138) and the Child Labour Convention, 1999 (No. 182) when commenting on the protective measures for children and young workers. A number of minimum age provisions were included in the text of the Proposed Conclusions, in order to avoid children's engagement in hazardous tasks, and ensure the protection of young workers. *(Points 7, 10, 26, 27 and 28).*

Qu. 11 *Should the instrument(s) provide that national laws and regulations:*

(a) designate the competent authority or authorities responsible for the implementation and enforcement of national laws and regulations on occupational safety and health in agriculture?

(b) indicate, where there is more than one competent authority, their respective functions and responsibilities, taking into account both the complementary character of such responsibilities within the sector and national conditions and practice?

(c) provide for arrangements appropriate to national conditions and practice to ensure adequate inter-sectoral coordination between various authorities and bodies in order to ensure that the policy and the measures for its application are consistent?

(d) specify the rights and duties of employers and workers with respect to safety and health in agriculture?

(e) provide for appropriate penalties and corrective measures, including the suspension or restriction of agricultural activities on safety and health grounds, until the conditions giving rise to the suspension or restriction have been corrected?

(f) establish procedures for the recording and notification of occupational accidents and diseases in agriculture?

(g) prescribe measures for the prevention and control of occupational hazards in agriculture, taking into account the protection of the general environment?

(h) make provisions for the progressive development of occupational health services, that are adequate and appropriate to the specific risks of agricultural enterprises and define their functions and conditions of operation?

(i) specify the steps to be taken in order to eradicate or control prevalent endemic diseases, in areas where such exist?

Total number of replies for clause (a): 84

Affirmative to clause (a): 75. Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Islamic Republic of Iran, Ireland, Israel, Italy, Japan, Kenya, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (a): 9. Algeria, Argentina, India, Jamaica, Kuwait, Pakistan, Slovakia, Slovenia, United Arab Emirates.

Total number of replies for clause (b): 84

Affirmative to clause (b): 67. Austria, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Islamic Republic of Iran, Italy, Japan, Kenya, Lebanon, Lithuania, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, Philippines, New Zealand, Panama, Poland, Portugal, Romania, Russian Federation, Singapore, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative to clause (b): 17. Algeria, Argentina, Azerbaijan, Ireland, Israel, Jamaica, Luxembourg, India, Kuwait, Nigeria, Norway, Pakistan, Saint Lucia, Slovakia, Slovenia, South Africa, Spain.

Total number of replies for clause (c): 84

Affirmative to clause (c): 70. Austria, Bahrain, Bangladesh, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Islamic Republic of Iran, Ireland, Italy, Kenya, Lebanon, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (c): 14. Algeria, Argentina, Azerbaijan, Belarus, India, Israel, Jamaica, Japan, Kuwait, Lithuania, Luxembourg, Saint Lucia, Slovenia, United Arab Emirates.

Total number of replies for clause (d): 84

Affirmative to clause (d): 78. Algeria, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Hungary, Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative to clause (d): 6. Argentina, Guatemala, India, Japan, Pakistan, Slovenia.

Total number of replies for clause (e): 84

Affirmative to clause (e): 72. Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Islamic Republic of Iran, Ireland, Israel, Jamaica, Kenya, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (e): 12. Algeria, Argentina, China, El Salvador, India, Italy, Japan, Kuwait, Pakistan, Slovakia, Slovenia, United Arab Emirates.

Total number of replies for clause (f): 84

Affirmative to clause (f): 73. Algeria, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Hungary, Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica,

Kenya, Lebanon, Lithuania, Madagascar, Malaysia, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (f): 11. Argentina, Guatemala, India, Japan, Kuwait, Luxembourg, Mali, Pakistan, Slovakia, Slovenia, United Arab Emirates.

Total number of replies for clause (g): 84

Affirmative to clause (g): 78. Algeria, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Lebanon, Lithuania, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative to clause (g): 6. Argentina, India, Kuwait, Luxembourg, Pakistan, Slovenia.

Total number of replies for clause (h): 84

Affirmative to clause (h): 65. Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Czech Republic, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Islamic Republic of Iran, Ireland, Italy, Kenya, Lebanon, Luxembourg, Madagascar, Malaysia, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, Venezuela, Viet Nam.

Negative to clause (h): 17. Algeria, Argentina, Cyprus, Denmark, Guatemala, Hungary, India, Israel, Jamaica, Kuwait, Lithuania, Mali, New Zealand, South Africa, Spain, United Arab Emirates, United Kingdom.

Other replies to clause (h): 2. Ghana, Japan.

Total number of replies for clause (i): 84

Affirmative to clause (i): 65. Algeria, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Cuba, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Ireland, Israel, Italy, Japan, Kenya, Lebanon, Madagascar, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, Philippines, New Zealand, Nigeria, Norway, Pakistan, Panama, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Sri Lanka, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (i): 19. Argentina, Costa Rica, Croatia, Cyprus, Guatemala, Hungary, India, Islamic Republic of Iran, Jamaica, Kuwait, Lithuania, Luxembourg, Malaysia, Slovenia, South Africa, Spain, Switzerland, Uganda, United Arab Emirates.

Algeria. Ministry of Agriculture: Yes to (a) and (e); no to (f).

Ministry of the Environment: Yes to (a)-(c), (e) and (h); a national supervision authority should be appointed to ensure that the safety and health rights and obligations of employers and workers are regularly respected.

CAP: Although, generally speaking, the general framework seems adequate, the aspects of globalization and privatization have not been taken into account and this is a matter for discussion; yes to (a)-(c).

Argentina. UATRE: In principle, all items in clauses (a)-(i) should be covered with the following additions: (d) "including specific recognition of the right to trade union-appointed safety representatives and safety committees"; (e) "based on the right to refuse dangerous work, where a worker who has removed himself from a work situation which he has reasonable justification to believe presents an imminent and serious danger to his life or health shall be protected from undue consequence in accordance with national conditions and practice".

Australia. ACCI: Yes to all.

Austria. (g) However, the "protection of the general environment" is not directly relevant and is not a matter of worker protection.

PKLK: No to (b), (e) and (i); these systems already exist in the EU, but their application should be promoted everywhere. Account must be taken of the distribution of authority at national level.

ÖGB: No to (b).

Azerbaijan. Clauses (b) and (c) should not be included in the instruments; they should be regulated by national legislation.

ATUC: No to (a).

Barbados. BEC: Yes to (a), (b) and (d)-(h); no to (c) and (i).

BWU: Yes to all; (d) including specific recognition of the right to trade union-appointed safety representatives and safety committees.

Botswana. BFTU: Yes to (a), (c), (d), (f) and (h).

Brazil. FUNDACENTRO: Clause (i) should be jointly undertaken by the Ministries of Labour and Public Health.

FS: No to (a), (b), (e) and (g).

Canada. In the opening line after "laws and regulations" add: "either general, or applying specifically to safety and health in agriculture". See Canada's comments on the term "national" under Question 10(a); (e) it should be clarified that the term "appropriate" would require taking into account the distinctive characteristics and needs of the agricultural sector, i.e. the serious consequences of "suspending" or "restricting" agricultural activities on a dairy farm or in seasonal farming operations. For the same reasons, the Government suggests adding the words "where practicable" after "including".

China. It is inappropriate for international instruments to provide for penalties, even in the case of national regulations, or to envisage measures leading to the suspension or restriction of agricultural activities; other measures could be taken instead.

Cyprus. (a) and (b) Yes, provided that only one competent authority is designated so as to secure consistency and coherence of the system of implementation and enforcement; (d) the instruments should also make reference to the rights and duties of self-employed persons.
PEO: Yes to (b) and (i).

Czech Republic. (h) Add: "safety technical services in this field (to identify hazards and adopt appropriate measures and to control the technical state of machinery and equipment)".
CACC: No to all.

Denmark. (e) Sanctions towards employers, who do not observe the rules of the working environment, should be determined according to national legislation and practice.
SiD: Yes to (h).

Ethiopia. Yes to all. It is comprehensive enough for the components of the policy.

Finland. FAE, LTK and TT: There should be no reference to the "general environment".

Ghana. Factories Inspectorate: No to (h); in clause (f), the provisions should acknowledge the different staff agencies which interact with agricultural workers, as well as the level of illiteracy among agricultural workers and therefore their ability to satisfy the requirements of clause (f).
Labour Department: Yes to (h); the instruments should ensure effective implementation, enforcement and coordination of all activities concerned with agriculture.

Hungary. National Health Office: Yes to (i), no to (f); the separate handling of occupational illnesses and the occupational health services of this sector is not justified.
Workers' organizations: Yes to (i) and (h).

India. The instruments should provide only general guidelines on these basic requirements; details and procedures should be left to the national authorities for implementation.

Ireland. There is only one health and safety authority in Ireland. Our existing legislation addresses all the areas covered in Question 11.

Japan. (c) It is not necessary to require arrangements for inter-sectoral coordination. It is appropriate to maintain flexibility by providing that "... the bodies should conduct inter-sectoral coordination in response to domestic circumstances and customs"; (d) and (e) the provision of (d) and (e) are irrelevant to the self-employed and they should be exempted; (f) no, it is difficult to establish such procedures for the self-employed; (g) yes, if Members are left to determine measures to be taken in certain instances, taking into account the protection of the environment; (h) the decision of whether or not such measures should be taken should be left to the individual country.

Kenya. Compensation provisions should also be included.

Lebanon. Clause (b) should come under the Recommendation; (c) the matter of coordination should be included in the Recommendation with a classification regarding the sectors to be covered; (d) the Recommendation should contain detailed provisions on the rights and duties of employers and workers on safety and health in agriculture as guidelines; (h) provided that they are within the capacities of each State.

ACCIA: No to (c)-(i).

Malaysia. The rights and duties of employers and workers may be specified, as long as they do not contradict or diverge from national laws.

MAPA: Yes to (i).

NUPW: Yes to all; the focus should be on the training of workers and the dissemination of information on hazards.

Mali. Provision could be made for these points in so far as they are not covered by national legislation.

Malta. Control by legislation is important especially for clauses (a), (d), (e), (f) and (i).

Mauritius. The Government cannot foresee setting up occupational health services in all enterprises for the time being due to lack of adequate resources.

MEF: With reference to the existing local and legal context.

Mozambique. SINTAF: Yes to all.

New Zealand. No to (h); there is already an Occupational Health Services Convention, 1985 (No. 161), and its accompanying Recommendation.

NZCTU: Yes to (h).

Nigeria. Since national conditions and practice and levels of development of the infrastructure vary, extreme specificity should be avoided.

Norway. (h) This issue should be included in a Recommendation.

NHO: Yes to (b); (a), (b) and (c) a Recommendation should include provisions for its implementation in national legislation. Since political structures differ from country to country, it is difficult to specify in a Recommendation which competent authority should be responsible for implementation.

Philippines. Bureau of Working Conditions: A single competent authority with an administrative and enforcement mandate in the area of occupational safety and health in agriculture should be designated.

Bureau of Women and Young Workers: Clause (i) should be in the Recommendation.

AMMMA-KATIPUNAN: No to all; inter-sectoral coordination will guarantee optimum results.

Russian Federation. (h) Provisions should include a separate safety and health service for agriculture (i.e. one subordinate to the Agriculture Ministries).

Slovakia. (h) With references to Convention No. 161 and a more detailed specification of requirements for agriculture.

South Africa. BSA: Yes to (b) and (h); no to (g); clause (b) could take the form of guidelines incorporated in a Recommendation; (c) different state departments might have responsibilities over manufacturers, importers, suppliers, traders and users and inter-sectoral coordination is very important; (d) as guidelines in a Recommendation with reference to the authorities and bodies referred to above; (e) while penalties and corrective measures are important they should not go as far as the suspension or restriction of agricultural activities for a period of time to rectify a situation, as this might mean closing down that farm enterprise

leaving workers unemployed; (f) as part of a Recommendation and bearing in mind the capacity of developing countries to run such a system; (g) an international labour instrument is not a suitable instrument to protect the general environment; (h) as part of a Recommendation to allow developing countries to develop gradually such services; (i) an international labour instrument is not a suitable vehicle to eradicate or control prevalent endemic diseases: this should be the function of national health authorities in each country.

Spain. National laws and regulation should not be as specific as defined in (b), (e), (h) and (i); in (g), it is enough to refer to the working environment.

ASAJA: Yes to (b), (h) and (i); it would be convenient to specify the provisions.

Sri Lanka. A coordinated national work programme would be more desirable.

Switzerland. Emphasis should be put on training, information, advice, prevention and the responsibility of those concerned, rather than on control.

USP/SBV: No to (b) and (e)-(h); we are strictly opposed to any more extensive regulation; in particular, the inclusion of self-employed persons should be rejected.

USS/UGB: Yes to (i).

Syrian Arab Republic. National legislation should have enough flexibility for the implementation of the above-mentioned items. This should not be left to the Convention.

Turkey. **TURK-IS**: Yes to all; add as indicated: (d) "including specific recognition of the right to trade union-appointed safety representatives and safety committees"; (e) "based on the right to refuse dangerous work, where a worker who has removed himself from a work situation which he/she has reasonable justification to believe presents an imminent and serious danger to her/his life or health shall be protected from undue consequence in accordance with national conditions and practice".

Uganda. **FUE**: Yes to (a)-(d) and (f)-(i); no to (e); penalties should be replaced with sensitization and awareness.

KSW: Yes to all; the above measures will ensure compliance with the instruments.

TMTC: Yes to (a); no to (b)-(i).

UNEA: Yes to (c)-(i); no to (a) and (b); the instruments should be broad and comprehensive, so as to avoid loopholes in the system.

UTA: Yes to (a)-(d), (f), (g) and (i); no to (e) and (h).

United Kingdom. (h) A formalized approach to the provision on occupational health services is not acceptable. We would support a flexible framework based on need, but which allows access to occupational health support for all.

TUC: Yes to (h); see comments under Question 10 on the ILO Code of practice on recording accidents.

United States. **USCIB**: The degree of specificity of (a)-(i) would make it difficult to implement the provisions; some countries may be able to implement them, but most will not have the economic resources to undertake this task.

As mentioned in the commentaries to Question 10, the majority of the replies received from member States agreed with the proposed texts. The Proposed Conclusions have been drafted grouping the text of Questions 10 and 11 for consistency and in order to deal with the reference to the national policy, the duties of those responsible for implementing it and the provisions to be specified in national laws and regulations for the implementation of the policy *(Points 7, 10, 26, 27 and 28)*.

Qu. 12 *Should attention be given to the special situation of certain categories of workers such as:*

(a) temporary and seasonal workers?

(b) members of the family of the operator of the undertaking?

(c) migrant workers?

(d) tenants and sharecroppers?

(e) small owner-occupiers in subsistence farming?

(f) landless workers in agriculture in the rural informal sector?

(g) other workers in agriculture?

Total number of replies for clause (a): 84

Affirmative to clause (a): 73. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Guatemala, Hungary, Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Kenya, Kuwait, Lebanon, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Morocco, Mozambique, Nigeria, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (a): 9. India, Lithuania, Mexico, Republic of Moldova, New Zealand, Norway, South Africa, Spain, United Arab Emirates.

Other replies to clause (a): 2. Greece, Japan.

Total number of replies for clause (b): 84

Affirmative to clause (b): 55. Algeria, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, Estonia, Ethiopia, Finland, France, Germany, Hungary, Ireland, Israel, Kenya, Lebanon, Luxembourg, Madagascar, Mali, Mauritius, Morocco, Mozambique, New Zealand, Nigeria, Norway, Panama, Poland, Portugal, Russian Federation, Singapore, Slovakia, Slovenia, Sri Lanka, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Viet Nam.

Negative to clause (b): 26. Argentina, China, Croatia, Ecuador, El Salvador, Georgia, Guatemala, India, Islamic Republic of Iran, Italy, Jamaica, Kuwait, Lithuania, Malaysia, Malta, Mexico, Republic of Moldova, Pakistan, Philippines, Romania, Saint Lucia, South Africa, Spain, Switzerland, Thailand, Venezuela.

Other replies to clause (b): 3. Ghana, Greece, Japan.

Total number of replies for clause (c): 84

Affirmative to clause (c): 60. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Denmark, Dominican Republic, Ecuador, Egypt, Ethiopia, Finland, France, Germany, Ghana, Guatemala, Hungary, Islamic Republic of Iran, Ireland, Israel, Kenya, Lebanon, Madagascar, Malaysia, Mauritius, Morocco, Mozambique, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, Sri Lanka, Switzerland, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative to clause (c): 22. China, Czech Republic, El Salvador, Estonia, Georgia, India, Italy, Jamaica, Kuwait, Lithuania, Luxembourg, Mali, Malta, Mexico, New Zealand, Pakistan, Republic of Moldova, South Africa, Spain, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia.

Other replies to clause (c): 2. Greece, Japan.

Total number of replies for clause (d): 84

Affirmative to clause (d): 50. Argentina, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Colombia, Costa Rica, Cuba, Cyprus, Denmark, Dominican Republic, Egypt, El Salvador, Finland, France, Georgia, Germany, Ghana, Hungary, Islamic Republic of Iran, Ireland, Italy, Kenya, Lebanon, Mali, Mauritius, Morocco, Mozambique, Nigeria, Norway, Pakistan, Panama, Poland, Portugal, Russian Federation, Saint Lucia, Singapore, Sri Lanka, Syrian Arab Republic, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (d): 32. Algeria, Austria, Cape Verde, China, Croatia, Czech Republic, Ecuador, Estonia, Ethiopia, Guatemala, India, Israel, Jamaica, Kuwait, Lithuania, Luxembourg, Madagascar, Malaysia, Malta, Mexico, Republic of Moldova, New Zealand, Philippines, Romania, Slovakia, Slovenia, South Africa, Spain, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, United Arab Emirates.

Other replies to clause (d): 2. Greece, Japan.

Total number of replies for clause (e): 83

Affirmative to clause (e): 57. Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, Georgia, Germany, Hungary, Islamic Republic of Iran, Ireland, Italy, Kenya, Kuwait, Lebanon, Mali, Mauritius, Morocco,

Mozambique, Nigeria, Norway, Pakistan, Panama, Poland, Portugal, Romania, Russian Federation, Singapore, Slovenia, Sri Lanka, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative to clause (e): 23. Algeria, China, Croatia, Estonia, Guatemala, India, Israel, Jamaica, Lithuania, Luxembourg, Madagascar, Malaysia, Malta, Mexico, Republic of Moldova, New Zealand, Philippines, Saint Lucia, Slovakia, South Africa, Spain, Switzerland, Thailand.

Other replies to clause (e): 3. Ghana, Greece, Japan.

Total number of replies for clause (f): 82

Affirmative to clause (f): 49. Argentina, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, Colombia, Costa Rica, Cuba, Cyprus, Denmark, Dominican Republic, Ecuador, Egypt, Ethiopia, Finland, Georgia, Germany, Ghana, Hungary, Islamic Republic of Iran, Ireland, Kenya, Kuwait, Lebanon, Madagascar, Mauritius, Morocco, Mozambique, Nigeria, Norway, Panama, Poland, Portugal, Romania, Russian Federation, Singapore, Sri Lanka, Syrian Arab Republic, Togo, Turkey, Uganda, Ukraine, United Kingdom, Viet Nam.

Negative to clause (f): 31. Algeria, Austria, China, Croatia, Czech Republic, El Salvador, Estonia, Guatemala, India, Israel, Italy, Jamaica, Lithuania, Luxembourg, Malaysia, Mali, Malta, Mexico, Republic of Moldova, New Zealand, Pakistan, Philippines, Saint Lucia, Slovakia, Slovenia, South Africa, Spain, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, United Arab Emirates.

Other replies to clause (f): 2. Greece, Japan.

Total number of replies for clause (g): 82

Affirmative to clause (g): 37. Argentina, Azerbaijan, Bahrain, Belgium, Brazil, Bulgaria, Canada, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, Georgia, Germany, Hungary, Ireland, Jamaica, Kenya, Lebanon, Malta, Mozambique, Nigeria, Norway, Panama, Poland, Portugal, Russian Federation, Singapore, Sri Lanka, Syrian Arab Republic, Turkey, United Kingdom, Venezuela.

Negative to clause (g): 42. Algeria, Austria, Bangladesh, Belarus, Cape Verde, China, Croatia, Czech Republic, Egypt, Estonia, Ghana, Guatemala, India, Islamic Republic of Iran, Israel, Italy, Kuwait, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Mauritius, Mexico, Republic of Moldova, Morocco, New Zealand, Pakistan, Philippines, Romania, Saint Lucia, Slovakia, Slovenia, South Africa, Spain, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Uganda, Ukraine, United Arab Emirates, Viet Nam.

Other replies to clause (g): 2. Greece, Japan.

Algeria. The mobility of such categories should be taken into account in order to provide them with adequate protection.

Ministry of Agriculture: Yes to (f); no to (b) and (c).

Ministry of the Environment: Yes to (d)-(g); it is necessary to cover all categories of workers.

CAP: Yes to (d) and (e); no to (b) and (f); the categories of workers should be left open so that it might be progressively defined and completed.

Argentina. Family members should also be included when they are involved in agricultural activities.

UATRE: Yes to all — and special attention should be given to these groups listed which are particularly at risk.

Australia. ACCI: No to (a), (b) and (e)-(g); yes to (c) and (d); each worker should be given the same attention concerning safety and health requirements, except where there are language barriers.

Austria. The definition of family members of the enterprise owner should be left to member States.

PKLK: No to all; only full-time agricultural and forestry workers should be taken into account.

LAKT: Yes to (d), (f) and (g).

ÖGB: Yes to (f); no to (b), (c) and (e).

Azerbaijan. Pay particular attention to (a), (b), (d) and (e).

AITUC: Yes to (a) and (e), since international law does not pay due attention to these categories of workers.

Bahrain. All the categories of workers listed under Question 12 lack protection; they are victims of high rates of fatal accidents and injuries and have only very small resources for compensation. The problems that they encounter are interdependent and complicated.

Barbados. BEC: Yes to (a) and (e)-(g); no to (c) and (d).

BWU: Yes to all; (g) special attention should be given to groups especially at risk as listed under Question 12.

Belgium. (d) and (e) If they work under the authority of another person; (g) other workers under the authority of another person such as trainees, apprentices and persons undergoing vocational training.

CNT: Yes, provided that the policy envisaged should be drawn up in cooperation with the employers' and workers' representative organizations.

Botswana. BFTU: Yes to (a)-(e); no to (d)-(g).

Brazil. Action concerning these categories is quite difficult; the Recommendation should provide some guidance.

FS: No to (c) and (d).

Bulgaria. (g) Members of cooperatives, associations and other similar bodies who are recruited and work within the groups mentioned.

Canada. (a)-(f) These categories may require more safety training; (b) the Convention should recognize the difficulties and special needs in applying employer and worker regulations to an agricultural family; (g) the situation of women workers, including vulnerability to harassment and violence, should also be added, as well as youth and student workers and pesticide handlers. The details of the provisions are more appropriate for a Recommendation.

CLC: All of the categories listed. It is extremely important to include women workers as an additional category, especially in relation to harassment and violence.

China. The working time and intensity of labour of seasonal workers may be higher than those of ordinary workers.

Colombia. SAC: No to (b) and (c).

Cyprus. PEO: Yes to (g).

Czech Republic. CACC: No to (a), (b) and (e).

Dominica. WAWU: Ye to all; any worker who may be directly or indirectly involved should be included.

Dominican Republic. All workers should be protected, without exception.

Egypt. All those employed in agriculture should be protected, whether they are regular workers or hired hands.

FETU: Yes to all; young workers may also be added, as well as workers using agricultural equipment. All these categories require training and must be made aware of the occupational hazards involved.

Ethiopia. Attention should be given to children who are involved in any agricultural activity that might jeopardize their health, safety and growth.

Finland. (g) The "substitute" who takes care of the farm work during the farmer's vacation and sick leave (in Finland the employer is usually the local government).

France. MEDEF: No to (b)-(g); the reply to the question cannot be separated from the distinction between wage-earners and the self-employed.

CFTC: Yes to (e); no to (f) and (g).

FGA and CFDT: Yes to (e) and (f); no to (g).

Ghana. Factories Inspectorate: Yes to (e); no to (b); include all categories employed that may be at risk; they all require special attention — especially in view of their lack of awareness of the hazards to which they are exposed.

Labour Department: Yes to (b); no to (e); include child labourers and women workers.

TUC: No to (c), (d) and (f).

Greece. Yes, if they have a dependent employment relationship; if these provisions concern the self-employed, they should be contained in the Recommendation.

PASEGES: Yes to all.

Guatemala. It is necessary to ensure that migrant and temporary workers have access to health care and safety measures.

Hungary. National Labour Inspectorate: (g) Members of cooperatives performing duties.

National Health Office: Yes to (b); no objections to the rest of the list.

Workers' organizations: Yes to all.

India. The proposed instrument should cover all agricultural activities and workers.

Iraq. GFTU: No to all: it is not justified because the same costs apply to everybody in occupational health and safety matters.

Jamaica. **JCTU**: Yes to (b)-(f); the application of effective safety and health measures is too important to exclude any group of workers from coverage.

SPFJ: Yes to (e); no to (g).

Japan. These categories differ from country to country; whether or not special measures are necessary for each category should be determined by the countries concerned, on the basis of their respective situations.

Kenya. These categories, together with nomad pastoral workers who are exposed to risks of wildlife, are not organized and may be the least protected.

COTU: These categories of workers are usually in very small enterprises which may not be able to afford full-scale application of safety and health measures in agriculture.

Lebanon. Yes, as far as possible and in accordance with established procedure; (g) maybe sharecroppers and contract labourers.

ACCTA: No to all; all people working in agriculture should be covered by the law.

Madagascar. In some countries, a certain category of workers is in the majority and should be the subject of all possible action.

Malawi. **MCTU**: Yes to all; (g) smallholders and young workers should also be included.

Malta. Family members, if these are associated with agricultural work. Any other workers not mentioned, but associated with agricultural work.

Mauritius. The Factory Inspection Service and Labour Inspection Service can only intervene where there is a contract of employment.

MEF: Yes to (g).

Mexico. All workers have the right to work without endangering their health and safety.

Mozambique. All workers should have safe and healthy conditions of work, no matter what agricultural activity they carry out.

Ministry of the Environment: No to (b).

SINTAF: All those categories lack access to special care in their working environment.

New Zealand. **NZCTU**: Yes to (c)-(g).

Nigeria. (g) Child agricultural workers.

Norway. (g) Agricultural relief workers are in a special situation which may call for attention. They are the largest category of workers in Norwegian agriculture and have a special work situation, particularly those who are employed full time and have to deal with four to six different employers. Some relief workers enjoy poorer protection under the law than other workers.

NHO: No to (b), (d), (e) and (g).

Oman. (g) Volunteer workers.

Pakistan. **PNFTU**: Yes to all; safety and health protection is vital to everyone.

Panama. The ILO could establish guidelines and policies to deal with clauses (a)-(g).

Philippines. Bureau of Working Conditions: (g) Take into account child labourers.

Bureau of Women and Young Workers: Yes to (b) and (d)-(g); pregnant and nursing

AMMMA-KATIPUNAN: No to (a)-(c); attention must be paid to landless workers in agriculture in the rural informal sector because they are the most exploited agricultural workers.

Poland. It is proposed to treat tenants as well as owners of small farms as persons carrying out an economic activity on their own account (self-employed persons), who may themselves be employers in the case of employing hired workers (permanent or seasonal workers).

Portugal. The instruments should cover all workers (see Question 8); it is necessary to consider the special situation of migrant and temporary workers.

CAP: No to (b)-(d), (f) and (g).

CCP: No to (c), (d), (f) and (g).

CGTP-IN: The issue is the nature of work and not the contractual relation; the instrument should therefore cover all workers, irrespective of the labour relation. In particular, the special situation of migrant, temporary and illegal workers should be considered, taking into account their precarious labour relations, their lack of adequate skills in the area and their short-term working relationship; they are more exposed to agricultural hazards than permanent workers.

Russian Federation. Include persons working as interns and trainees, members of the armed forces brought in to do agricultural tasks, convicts, etc.

Singapore. (g) Include contract and subcontract workers.

South Africa. All categories of workers should be equally protected.

BSA: No; the idea must be to ensure that the workplace is safe and that all categories of workers are equally protected.

Spain. ASAJA: Yes to (a) and (c).

Sri Lanka. All the workers in agriculture, irrespective of the nature of their work or work arrangements, should be covered.

Switzerland. USP/SBV: No to (c); family members should be treated in the same way as self-employed persons.

USS/SGB: Yes to (b) and (d)-(g).

Syrian Arab Republic. As well as smallholders, family workers who are supported by the landowner and any other agricultural workers should be included.

Thailand. Ministry of Health: (g) Transportation workers and subcontract workers.

Turkey. HAK-IS: Yes to (d); no to (g).

Uganda. FUE: Yes to (a)-(f).

KSW: Yes to all; there is sometimes a tendency to neglect such workers.

TMTC: (c) Small owner-occupiers in subsistence farming should be included. The categories in (a)-(c), (d), (f) and (g) may be covered by other labour regulations.

UNFA: Yes to (a), (c), and (e)-(g); no to (b) and (d); this is necessary as most of these people are illiterate and tend to be overlooked in most cases.

United Arab Emirates. Considering the composition of manpower in the country — mostly migrant workers — the care provided should be for permanent and legitimately resident migrant workers, and not for short-term or seasonal workers.

United Kingdom. See Question 8. These categories of workers should be given the same

The purpose of this question was to gather evidence on the difficulties in dealing with the protection of certain categories of workers in agriculture. As a majority of member States recalled that the intention of the standards should be to avoid differences in safety and health protection between the various categories of workers, the Office drafted provisions for self-employed, temporary and seasonal workers in the Proposed Conclusions. It was borne in mind that the overall aim is to provide each member State with the flexibility to define the coverage according to national conditions and progressively extend it to all categories of workers concerned (*Points 1, 7, 9, 14, 22, 30 and 34*).

III. Inspection

Should the instrument(s) provide that Members should ensure that an adequate and appropriate inspection service for agricultural workplaces is in place and is provided with adequate means? **Qu. 13**

Total number of replies: 82

Affirmative: 72. Algeria, Argentina, Austria, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Kenya, Kuwait, Lebanon, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Mozambique, New Zealand, Norway, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovenia, South Africa, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative: 8. Azerbaijan, China, Ecuador, Lithuania, Morocco, Pakistan, Slovakia, Spain.

Other: 2. India, Japan

Algeria. Given that populations are widely dispersed and agricultural undertakings cover a wide geographical area, adequate means are required to cover travel.

Ministry of Agriculture: At the moment, there is no specific labour service in agriculture.

Ministry of the Environment: A policy of prevention presupposes the setting up of an inspection service for agricultural workplaces.

Argentina. UATRE: Yes, but this section should specifically refer to an adequate and appropriate inspection service and the means of enforcement to make it stronger, with the competence to provide for adequate penalties for violations of the laws and regulations.

Australia. ACCI: Yes.

Austria. PKLK: The agriculture and forestry inspectorates should be maintained as specific supervisory bodies.

Azerbaijan. ATUC: Yes.

Barbados. BWU: An adequate and appropriate inspection service should be in place to ensure that the working environment is safe and that employers are adhering to rules governing safety practices.

Botswana. BFTU: Yes, failure to inspect agricultural undertakings worsens situations in agriculture.

Brazil. This strengthens the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and its accompanying Recommendation (No. 133).

China. As agricultural work is different from factory operations, it is difficult to ensure an inspection service for it.

Costa Rica. Inspection measures adequate to agricultural processes should be in place.

Cyprus. The general labour inspection service should be responsible for the inspection of all workplaces, including agricultural undertakings.

Denmark. An inspection service should be organized in such a way as to have the necessary resources to perform inspection targeted towards the agricultural working environment. Refer to Convention No. 129.

Ecuador. Recommendation No. 133 deals with this issue.

Egypt. FETU: Yes, taking into account the difficulties involved in labour inspection in this sector because of the large geographical areas involved and the characteristics of certain categories of workers (self-employed, temporary or family workers).

El Salvador. It is necessary to supervise working conditions and employment systems.

France. Refer to Convention No. 129.

Germany. The concept of "means" should be defined more clearly. "Yes" referring to the efficacy of instruments used.

India. The instrument should provide for flexible inspection machinery under the national authority so that accidents and diseases may be properly detected and followed up at national level.

Iraq. GFTU: Yes.

Ireland. Health and safety inspectors in agriculture have the power to enter any place of work, at any reasonable time, for the purpose of inspection, accident investigation, etc., and may also contribute to the improvement of employers or self-employed farmers, requiring them to submit a plan for approval by the inspectors' service, setting out how identified hazards may be eliminated or controlled.

Japan. The self-employed account for a large proportion of operators in agriculture, and it is difficult for a government to implement inspections and enforcement in their cases, as re-

fore, an exception should be made for the self-employed, and measures not relying on inspections for the safety and health of workers should be taken, based on the actual circumstances of the individual country through consultation, guidance and so on.

Lebanon. Provided that, as far as possible, the staff of such services is qualified in agricultural work.

ACCTA: Inspection supplements surveillance and is, therefore, desirable.

Luxembourg. At present, the inspection of safety and health aspects in agricultural workplaces is very inadequate.

Madagascar. Without the necessary means, such a service would be a mere illusion.

Malawi. MCTU: Yes: this is a very relevant and crucial area.

Mali. Means are vital to ensure implementation of the Convention.

Malta. Inspections are definitely necessary to ensure that steps are taken to control and help implement these measures.

Mauritius. The inspectorate staff need to be fully trained on hazards in agriculture.

MEF: The use of all appropriate personal protective equipment must be compulsory.

Morocco. There is no need to include these requirements in the two proposed instruments as Convention No. 129 contains detailed provisions regarding labour inspection in the agricultural sector.

Mozambique. Without powerful, organized and specific inspection services, safety and health actions to protect workers in agriculture cannot be undertaken.

SINTAF: A good control of legislation is necessary in order to guarantee its enforcement.

Norway. NHO: It is difficult to make a general statement on how an inspection system could be built up, since it would have to be adapted to different political systems. The Confederation refers, however, to its country's own system which has proved itself.

Pakistan. Inspection services require considerable resources; they should therefore be left to the member States in accordance with their resources.

PNFTU: Yes, for ensuring adequate safety and health protection, strict inspection is essential.

Panama. Adequate training of the inspection services is necessary.

Portugal. An inspection service knowledgeable of the agricultural sector and with regional coverage would be an efficient tool for the development of a national occupational safety and health policy for the sector, in particular concerning prevention and information dissemination.

Saint Lucia. As a general rule, workplace auditing gives more information about workers' health than inspections. There is a real need to encourage commitment.

Slovakia. Labour inspection in agriculture is regulated by Convention No. 129. In the new instrument, the Government recommends referring to this Convention, leaving labour inspection as a special instrument.

South Africa. This provision could be included in a Recommendation.

BSA: In a Recommendation and as part of an adequate service for all workers, not as a special service for agricultural workers. A separate inspectorate for agriculture would undoubtedly be very costly and unaffordable to many countries.

Spain. This is already foreseen in Convention No. 129; however, we do not oppose a general reference to the matter.

ASAJA: Yes.

Switzerland. The Convention must take into account the specific characteristics of the agricultural sector and the administrative and financial limitations of many countries. Consequently, it should provide for a flexible and efficient inspection service.

Syrian Arab Republic. Labour legislation would be useless if it did not include adequate inspection mechanisms and sufficiently trained staff, supplied with the financial means to guarantee results.

Turkey. TURK-IS: Yes, and the system to enforce occupational health and safety should provide for adequate penalties in the event of violations.

Uganda. Specialists in agriculture always lay emphasis on yield/production; hence if there are no appropriate inspection services in place, the hazards will continue unchecked.

FUE: Developing countries will find it very difficult to implement such provisions since labour ministries have been reduced to a minimum and have limited staff.

KSW: Yes, to ensure compliance with the instruments.

TMTC: Inspection of agricultural workplaces is inevitable and should conform to national laws.

UNFA: This is essential as most agricultural health hazards tend to be ignored.

UTA: Yes.

United Kingdom. The inspection service should be well trained and carry out its work in a risk-targeted way. Inspectors should be capable of addressing the activities and processes within agriculture. For this to be achieved, experience and specialized training is necessary to ensure effectiveness and to maintain compliance with accepted standards.

United States. USCIB: No.

Since the great majority of the replies agreed with the need for an appropriate inspection system for agriculture in order to enforce relevant legislation, the Proposed Conclusions have been drafted accordingly *(Points 8 and 24)*.

Qu. 14 *How might labour inspection in agriculture be carried out? Please indicate your preferences for one or more of the following examples:*

(a) a single labour inspection service responsible for all sectors of economic activity?

(b) a single labour inspection service, which would arrange for internal specialization either through:

(i) the appropriate training of inspectors in agriculture?

(ii) a unit technically qualified in agriculture?

(c) a labour inspection service specialized in agriculture, reporting to a central body responsible for coordinating labour inspection?

(d) a labour inspection service assisted for certain inspection functions at the regional or local levels by appropriate government services or public institutions?

(c) any other method established by the competent authority in accordance with national law and practice? Please specify.

Total number of replies for clause (a): 84

Affirmative to clause (a): 33. Argentina, Azerbaijan, Bahrain, Belarus, Belgium, Canada, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Egypt, El Salvador, Ethiopia, France, Georgia, Greece, Ireland, Italy, Jamaica, Kenya, Lithuania, Mali, Republic of Moldova, Philippines, Saint Lucia, Slovakia, Slovenia, South Africa, Spain, Turkey, Uganda, Venezuela.

Negative to clause (a): 46. Algeria, Austria, Bangladesh, Brazil, Bulgaria, Cape Verde, China, Colombia, Croatia, Dominican Republic, Ecuador, Estonia, Germany, Ghana, Guatemala, Hungary, India, Islamic Republic of Iran, Israel, Kuwait, Lebanon, Luxembourg, Madagascar, Malaysia, Malta, Mauritius, Mexico, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Poland, Romania, Russian Federation, Singapore, Sri Lanka, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Ukraine, United Arab Emirates, Viet Nam.

Other replies to clause (a): 5. Finland, Japan, Portugal, Switzerland, United Kingdom.

Total number of replies for clause (b)(i): 84

Affirmative to clause (b)(i): 38. Algeria, Azerbaijan, Bangladesh, Brazil, Bulgaria, Canada, Costa Rica, Croatia, Cuba, Cyprus, Dominican Republic, El Salvador, Estonia, France, Ghana, Greece, Guatemala, Hungary, Kenya, Lebanon, Madagascar, Malta, Mozambique, New Zealand, Nigeria, Norway, Panama, Poland, Romania, Russian Federation, Singapore, Slovenia, Thailand, Togo, Turkey, Ukraine, Venezuela, Viet Nam.

Negative to clause (b)(i): 41. Argentina, Austria, Bahrain, Belarus, Belgium, Cape Verde, China, Colombia, Czech Republic, Denmark, Ecuador, Egypt, Ethiopia, Georgia, Germany, India, Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Kuwait, Lithuania, Luxembourg, Malaysia, Mali, Mauritius, Mexico, Republic of Moldova, Morocco, Pakistan, Philippines, Saint Lucia, Slovakia, South Africa, Spain, Sri Lanka, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Uganda, United Arab Emirates.

Other replies to clause (b)(i): 5. Finland, Japan, Portugal, Switzerland, United Kingdom

Total number of replies for clause (b)(ii): 84

Affirmative to clause (b)(ii): 31. Azerbaijan, Bangladesh, Brazil, Colombia, Costa Rica, Cuba, Cyprus, Dominican Republic, El Salvador, Estonia, France, Greece, Guatemala, Israel, Jamaica, Kenya, Lebanon, Mozambique, New Zealand, Nigeria,

Norway, Panama, Poland, Romania, Russian Federation, Singapore, Turkey, Ukraine, United Arab Emirates, Venezuela, Viet Nam.

Negative to clause (b)(iii): 47. Algeria, Argentina, Austria, Bahrain, Belarus, Belgium, Bulgaria, Canada, Cape Verde, China, Croatia, Czech Republic, Denmark, Ecuador, Egypt, Ethiopia, Georgia, Germany, Hungary, India, Islamic Republic of Iran, Ireland, Italy, Kuwait, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Pakistan, Philippines, Saint Lucia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Uganda.

Other replies to clause (b)(iii): 6. Finland, Ghana, Japan, Portugal, Switzerland, United Kingdom.

Total number of replies for clause (c): 84

Affirmative to clause (c): 25. Belarus, Bulgaria, Cape Verde, Colombia, Costa Rica, Cuba, El Salvador, France, Georgia, Germany, Islamic Republic of Iran, Ireland, Kenya, Kuwait, Luxembourg, Madagascar, Philippines, Poland, Sri Lanka, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, Viet Nam.

Negative to clause (c): 54. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Brazil, Canada, China, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, Estonia, Ethiopia, Ghana, Greece, Guatemala, Hungary, India, Israel, Italy, Jamaica, Lebanon, Lithuania, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Spain, Togo, Uganda, United Arab Emirates, Venezuela.

Other replies to clause (c): 5. Finland, Japan, Portugal, Switzerland, United Kingdom.

Total number of replies for clause (d): 84

Affirmative to clause (d): 17. Brazil, Bulgaria, Costa Rica, Cuba, Cyprus, Ecuador, Germany, Guatemala, Italy, Madagascar, Mexico, Panama, Philippines, Thailand, Togo, Turkey, Viet Nam.

Negative to clause (d): 62. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Canada, Cape Verde, China, Colombia, Croatia, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Ethiopia, France, Georgia, Ghana, Greece, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Jamaica, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Malaysia, Mali, Malta, Mauritius, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Poland, Romania, Russian Federation, Saint Lucia,

The former Yugoslav Republic of Macedonia, Uganda, Ukraine, United Arab Emirates, Venezuela.

Other replies to clause (d): 5. Finland, Japan, Portugal, Switzerland, United Kingdom.

Total number of replies for clause (e): 82.

Affirmative to clause (e): 6. Costa Rica, Malaysia, Mauritius, Pakistan, United Arab Emirates, Viet Nam.

Negative to clause (e): 71. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Croatia, Cuba, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Mali, Malta, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Panama, Philippines, Poland, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, Venezuela.

Other replies to clause (e): 5. Finland, Japan, Portugal, Switzerland, United Kingdom.

Algeria. Training and, possibly, specialization are necessary.

Ministry of Agriculture: Yes to (a) and (c); no to (b)(i).

Ministry of the Environment: Yes to b(ii); no to b(i); it would be more appropriate to provide for a unit competent in agriculture in the organigram of a single labour inspection service.

CAP: Yes to (c); no to (b)(i); although the system will evolve over time, it is necessary to start out with a system close to the existing Labour Inspectorate specializing in agriculture.

Argentina. UATRE: Yes to (b)(i) and (b)(ii) and the implementation of Convention No. 129; this matter needs further consideration, but safety and health representatives appointed by trade unions should be an active part of the system and inspection services trained in safety and health in agriculture.

Australia. ACCI: No to (a)-(b)(ii), (d) and (e); yes to (c).

Austria. The organization of labour inspection in agriculture should be left to national legislation.

PKLK: Yes to (d); regional supervision by the agriculture and forestry inspectorate.

LAKT: Yes to (d).

ÖGB: Yes to (c).

Azerbaijan. (a) and (b) It would be appropriate to provide specialist agricultural inspectors within a single inspection service.

ATUC: No to (a), (b)(i) and (b)(ii); (c) is more acceptable.

Barbados. BEC: Yes to (a), (b)(i) and (e); no to (b)(ii), (c) and (d).

Belgium. CNT: Yes to (c) and (d); no to (a); it is not so much the structure of inspection services and the way of organizing them which is essential, but to ensure the most efficient system of supervision.

Botswana. BFTU: Yes to (c); no to (a), (b)(i), (b)(ii), (d) and (e); all labour inspections must be done under one central body to avoid fragmentation of services.

Brazil. Members have to organize themselves to establish an inspection that provides for the specific needs of the sector.
FUNDACENTRO: Yes to (c).
CNT: Yes to (a); no to (b)(i) and (b)(ii).
FS: No to (d).

Canada. (a) and (b)(i) are closer to the federal structure of Canada. However, this type of provision is not appropriate for a Convention and is best left up to member States.
CLC: No to (a) and (e); yes to (b)(ii) and (d).

Colombia. Inspection services require appropriate training on safety and health in agriculture.
SAC: Yes to (a), (b)(i) and (d); no to (c).

Cyprus. Labour inspection in agriculture should be organized and function according to ILO instruments, in particular according to Convention No. 129.
PEO: No to (d).

Czech Republic. CACC: No to (a).
TUWAF: Yes to (b)(i) and (b)(ii); no to (a).

Denmark. A national labour inspection service should ensure that inspectors are trained to carry out their tasks efficiently in all sectors, including agriculture.

Ecuador. (d) Inspection services in agriculture require a broad and expensive infrastructure.

Egypt. FETU: Yes to (a), (b)(i) and (b)(ii); no to (c), (d) and (e); a single labour inspection service responsible for all sectors of economic activity providing appropriate training for inspectors working in agricultural regions.

Ethiopia. Yes to (a), due to limitations of qualified inspectors and facilities in developing countries; but there should be training programmes in agriculture.

France. The modalities of organization should be left to the member States (Convention No. 129).
MEDEF: No to (b) and (b)(ii); to be defined at national level.
CFTC: Yes to (d); no to (a) and (b)(ii).
FGA and CFDT: No to (a), (b)(i) and (b)(ii).

Germany. BDA: No to all; this can only be decided at national level.

Ghana. Factories Inspectorate: Yes to (b)(i), such services exist in most countries and the appropriate training of inspectors in agriculture will be beneficial because of their experience in occupational safety and health.
Labour Department: Yes to (b)(i) and (b)(ii); to facilitate effective inspection and monitoring.

Greece. PASEGES: Yes to (c); no to (a)-(b)(ii).

India. This matter should be left for discussion by the national authority.

Iraq. GFTU: Yes to (c); the fact that agricultural work is carried out over a large surface area makes it unfeasible to take into account the proposals from (a)-(d).

Jamaica. SPEJ: Yes to (c); no to (a) and (b)(ii).
JCTU: Yes to (b)(i), (c), (d) and (e); no to (a).

Japan. The individual country should be able to choose the method most appropriate to its respective circumstances. Labour inspection for enterprises, with the exception of self-owned businesses, is implemented by means of (a) in Japan.
JTUC-RENGO: Yes to (a) and (b).

Kenya. COTU: (b)(i) would be appropriate for developing countries.

Lebanon. This matter should be left to national laws; (b) may be acceptable, provided that the relevant unit is within the inspection service under the Ministry of Labour.
ACCTA: No to (a); this should be left to the country concerned.

Madagascar. A single, general labour inspection service exists in Madagascar. However, it requires specialists in specific areas.

Malawi. MCTU: Yes to (b)(i), (b)(ii), (c) and (d); no to (a) and (e).

Malaysia. NUPW: Yes to (b)(i), (b)(ii) and (c); no to (e).
MAPA: Yes to (a); no to (e).

Mauritius. An inspectorate service should be responsible for all sectors, including agriculture.
MEF: Yes to (b)(i); no to (e); at present, occupational safety and health inspections are carried out by the Factories Inspectorate for all economic sectors.

Morocco. There is no need to include these requirements in the two proposed instruments, as Convention No. 129 contains detailed provisions on labour inspection in the agricultural sector.

Mozambique. Specialization is highly relevant in risk assessment.
Ministry of the Environment: Yes to (c) and (d).
SINTAF: Yes to (c), (d) and (e). Most representative workers' organizations should also be included (sectoral trade unions).

New Zealand. It would be preferable to combine (b)(i) and (b)(ii); New Zealand is familiar with this situation and finds it the most efficient and effective means with limited resources.
NZCTU: The national inspectorate operates according to (b)(i); however, the Confederation considers that options (b) and (d) are the most appropriate. The inspectorate must have specific personnel and systems to adequately address agriculture. If this is clear in the Convention, the NZCTU would support (a) and (e).

Nigeria. This situation should vary depending on national practice and infrastructure.

Norway. It is important to have technical expertise available for inspection in agriculture.
NHO: No to (e); see Question 13.

Pakistan. The scope of the present service can be extended to meet additional requirements.
PNFTU: Yes to (c); no to (a), (b)(i), (b)(ii), (d) and (e); the inspection service must be specialized in the subject.

Philippines. Bureau of Working Conditions: Yes to (a), (c) and (d); no to (b)(i), (b)(ii) and (e); there would be a need for the ILO's support for training on specialized inspection, if the instrument makes provision.

Bureau of Women and Young Workers: Yes to (e); no to (a), (c) and (d).

ILS: No to (a) and (d).

NTA: Yes to (b)(i) and (e); no to (c) and (d).

PAKISAMA: No to (a) and (d).

AMMMA-KATIPUNAN: Yes to (b)(i), no to (a) and (d); trained inspectors can easily find problems and apply adequate solutions.

Portugal. It would be better to propose the revision of Convention No. 129 and its accompanying Recommendation. If the new instruments established mandatory provisions, they would be difficult to apply.

CCP: Yes to (d); no to (a), (b)(i), (b)(ii), (c) and (e).

CAP: Yes to (b)(i) and (b)(ii); no to (a), (c), (d) and (e).

CGTP-IN: Due to its complexity, agriculture requires specialized professionals as part of the general inspection services or in a competent technical unit.

Russian Federation. (b) There should be a separate inspection service for agriculture in view of the special characteristics of agricultural production and the provisions of Convention No. 129 and its accompanying Recommendation (No. 133).

Singapore. The choice depends on the size of the agricultural sector and the actual labour inspection service.

Slovakia. Inspection in agriculture should be organized according to the areas to be inspected. The qualification requirements for inspectors should be established.

South Africa. BSA: Yes to (d) and (e); (a) and (b)(i) as part of a Recommendation; (b)(ii) "technically qualified in agriculture" means special training in agriculture and suggests that there should be a separate inspection service for agriculture with which the BSA cannot agree; (c) a separate specialized service for agriculture cannot be justified [see Questions 13 and 14(b)(ii)] as a labour inspector in rural areas must render the service to all other sectors operating there; (d) as part of a Recommendation — inspectors should have access to experts to call on them for assistance; (e) as part of a Recommendation — the compulsory reporting of accidents and mishaps should be included, but progressively in the case of developing countries.

Spain. Yes to (a); however, specialized training and assistance to regional inspectors are possible according to (d).

Sri Lanka. The agricultural extension officers could play an important role as they have the technical knowledge.

Switzerland. These matters must be left up to each member State. The Government agrees with the idea of a service specialized in agriculture because this area requires particular skills.

USP/SBV: No to (a)-(d); yes to (e); (e) a uniform regulation for all branches of activity, with delegation of powers to implement to sectoral associations.

USS/SGB: Yes to (a); there should be no disorganized delegation, no duplication; no to (b)-(e).

Syrian Arab Republic. This unit would be linked to industrial inspection units to contribute to exchanges of experiences.

Turkey. HAK-IS: No to (a) and (d).

TÜRK-IS: The options listed require further consideration, but worker safety and health representatives appointed by trade unions have to play an active and resourceful part in the enforcement system.

Uganda. FUE: Yes to (d); no to (a), (b)(i), (b)(ii), (c) and (e).

KSW: Yes to (b)(i), (b)(ii) and (c); no to (a), (d) and (e); the inspectors should be technically qualified and properly trained in order to do a good job.

TMTC: Yes to (b)(ii); no to (a), (b)(i), (c), (d) and (e); the inspection service for safety and health in agriculture should be carried out by a unit technically qualified in agriculture.

UNFA: Yes to (c), (d) and (e); no to (a), (b)(i) and (b)(ii); in (e) inspection in agriculture needs a broad system such as extension services due to its diversity.

UTA: Yes to (b)(i); no to (a), (c), (d) and (e).

United Arab Emirates. Specialized technical units would regulate the safe disposal of agricultural pollutants.

United Kingdom. A combination of the alternatives given: the provision of trained inspectors with experience of the industries involved, preferably technically qualified, within a labour inspection service.

TUC: Yes to (a), (b)(i), (b)(ii) and (c); no to (d) and (e); first (a), secondly (b) and thirdly (c).

United States. USCIB: No.

Venezuela. Inspection should be centralized providing inspectors with adequate training and with the support of other relevant authorities.

CODESA: Yes to (c); no to (a), (b)(i), (b)(ii), (d) and (e).

Viet Nam. (e) Occupational safety inspection specialized in agriculture.

This question raised controversy among Members, particularly concerning the ways in which inspection in agriculture should be carried out. As the purpose of this question was to allow for flexibility and provide guidance on the complementary or alternative options for the implementation of the provisions, and being consistent with the Labour Inspection (Agriculture) Convention, 1969 (No.129), the Office decided to substitute the text with a reference to Convention No. 129 in the Proposed Conclusions with a view to a Recommendation *(Point 24)*.

Should the instrument(s) provide that the competent authority should promote: **Qu. 15**

(a) an advisory role for the inspection services; and

(b) effective cooperation between the inspection services in agriculture and other relevant services or institutions?

Total number of replies for clause (a): 82

Affirmative to clause (a): 67. Algeria, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Brazil, Bulgaria, Cape Verde, Costa Rica, Croatia, Cuba, Cyprus, Czech

Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Kenya, Kuwait, Lebanon, Luxembourg, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Mozambique, Nigeria, Norway, Pakistan, Philippines, Poland, Portugal, Romania, Russian Federation, Singapore, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (a): 12. Argentina, China, Colombia, Ecuador, Lithuania, Morocco, New Zealand, Panama, Saint Lucia, Slovakia, Slovenia, Togo.

Other replies to clause (a): 3. Canada, Japan, Madagascar.

Total number of replies for clause (b): 84

Affirmative to clause (b): 71. Algeria, Argentina, Austria, Bahrain, Bangladesh, Belarus, Brazil, Bulgaria, Cape Verde, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Kenya, Kuwait, Lebanon, Luxembourg, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Singapore, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative to clause (b): 10. Azerbaijan, Belgium, China, Egypt, Lithuania, Morocco, Saint Lucia, Slovakia, Slovenia, Togo.

Other replies to clause (b): 3. Canada, Japan, Madagascar.

Algeria. Cooperation with the technical prevention services and occupational health services.

Ministry of Agriculture: The Algerian social security scheme would prefer clause (b).

Ministry of the Environment: To ensure that action is effective, cooperation between the various inspection services should be encouraged.

CAP: First of all an advisory role, evolving towards more elaborate forms of services.

Argentina. UATRE: (a) A firm "no", because the enforcement and inspection services should have statutory powers to enforce national health, safety and environmental laws and standards; yes to (b), strongly supported, and statutory liaison bodies/mechanisms should be identified.

Australia. ACCI: Yes to all.

Austria. PKLK: Yes to (a); no to (b).

Barbados. BEC and BWU: Yes to all.

Belgium. Reference should be made to Conventions Nos. 81 and 129 and to the Preamble.

CNT: Clause (a) requires a qualified reply. Convention No. 81 gives the labour inspection services an advisory role: by replying yes to (a) the impression must not be given that inspection services should be limited to an advisory role.

Botswana. BFTU: It is appropriate to involve actively other stakeholders.

Brazil. The coordination of working efforts between the different bodies and entities that participate in the rural sector is crucial.

Canada. Replace "advisory" with "educational", because it is an additional function of an inspection service, providing employers and workers with counselling on their duties and responsibilities. However, there are inherent potential problems: if an inspector provides advice on corrective measures after having pointed out an infraction, he/she could be found liable if the advice proves insufficient or incorrect.

CLC: Yes to all; education is an essential function of the inspection service.

China. See Question 13.

Colombia. SAC: Yes to (a).

Cyprus. Specific reference solely to the advisory role of the inspection should not be made as it may indicate a shift of the balance between the advisory and the enforcing role of the inspection.

Czech Republic. CACC: Yes to all; the competent authority should promote an advisory role for the inspection services and cooperation between the various services.

Denmark. The competent authority should be responsible for advising the local inspection sections, as well as coordination with the other authorities and the social partners in agriculture.

Egypt. FETU: As regards creating awareness and education, the Federation advocates an advisory role and cooperation between the inspection services and other institutions concerned.

El Salvador. Both provisions are beneficial for workers.

Ethiopia. Yes, as the enforcement role only is not an effective way to promote safety and health services.

Finland. FAE: As far as employers, family enterprises and self-employed workers are concerned the advisory role of authorities is important.

France Yes, both these aspects are in addition to the tradtional supervisory role of the inspection services.

Germany. BDA: Yes to all.

Ghana. Factories Inspectorate: The advisory role is necessary in view of the level of knowledge about safety and health; and cooperation is vital because of the direct interaction of some services with the farmer.

Labour Department: It is necessary to enhance a coordination of activities.

Greece. PASEGES: Yes to (b).

Hungary. National Health Office: No to the establishment of a specialized inspection service for agriculture.

India. Only through such an arrangement can the linkages be maintained for suitable detection and follow-up of problems/accidents, etc.

Iraq. GFTU: Yes to all.

Japan. Yes, in principle, the Government agrees but the actual determination of whether or not such measures are necessary and the specific methods of implementation should be left to the individual country.

Kenya. This will broaden advocacy and facilitate implementation.
COTU: Yes to all; cooperation would help cut down on duplication.

Lebanon. (a) Yes, as far as this authority is qualified to undertake such a role; (b) this item should be included in the Recommendation.
ACCIA: Cooperation is desirable but not compulsory.

Madagascar. The inspection services should play more than an advisory role.

Malawi. MCTU: Yes to all.

Malta. An advisory role is as important as control. A good advisory service would ensure a better implementation of safety measures.

Mauritius. It is felt that the present arrangements in Mauritius for the enforcement, advice and coordination among relevant Ministries should be maintained.

Morocco. The Government sees no need to include these requirements, as Convention No. 129 contains detailed provisions on the matter.

New Zealand. (a) The word "advisory" requires definition before a definitive answer can be given; (b) note that the role of an inspection service is covered in Convention No. 81.
NZCTU: Yes to (a).

Norway. (a) In the Recommendation; advice is always important, but for some countries it might be more appropriate for the inspection service to put less emphasis on the advisory role than on the inspection role. Other organizations (farmers' unions, insurance companies) might provide most of the required advice and information, making it possible for the inspection service to devote more resources to inspections and less to information and advice.
NHO: See Question 13.

Pakistan. PNFTU: Yes to all; for providing necessary guidance to the inspection team.

Panama. Duplication of functions should be avoided and a better distribution of resources should be foreseen.

Portugal. (a) Inspection services could have an advisory role without reducing their authority in the enforcement and application of sanctions, when such advice is enough to promote safe and healthy working conditions; (b) due to the great number of institutions involved in the sector, their different responsibilities and the complexity of the problems, cooperation is essential.

Russian Federation. On the basis of Convention No. 155.

Slovakia. Convention No. 129 covers labour inspection.

South Africa. BSA: As part of a Recommendation; (b) provided that this is not interpreted as a separate inspection service for agriculture.

Sri Lanka. The officers could act as facilitators.

Togo. A labour inspection service without competence in agriculture would not be able to give well-considered advice.

Turkey. TÜRK-IS: No to (a) because inspection services should have statutory powers to enforce national safety, health and environment laws and standards; yes to (b).

Uganda. Every sector should be aware of each other's complementary/supportive role.
KSW: This will ensure sharing of knowledge and experience amongst the services.
TMTC: Members of the Uganda Tea Association must consult each other and cooperate in applying the requirements of the instruments.
UNFA: This is desirable because the competent authority cannot carry out effective inspection services on its own.

United Kingdom. (a) Inspectors within the services should have a number of responsibilities including: checking levels of compliance with national legislation; promoting high standards on health and safety; and providing advice and guidance on problems and solutions to employers, employees, the self-employed and members of the public as requested or as part of organized campaigns.

United States. USCIB: No.

Since the great majority of the replies favoured the need for cooperation between relevant institutions dealing with agriculture, without endangering the enforcement role of the labour inspection services, the text was slightly reworded to meet the wishes of the majority of member States *(Point 8)*.

IV. Preventive and protective measures

General

Should the instrument(s) provide that, whenever two or more employers engage in activities in the same agricultural workplace, each employer should be responsible for the health and safety of their workers and that they should cooperate in applying the requirements of the instrument(s)? **Qu. 16**

Total number of replies: 84

Affirmative: 82. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kuwait, Lebanon, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative: 1. Lithuania.

Other: 1. Singapore.

Algeria. Responsibility in the area of safety and health should not be watered down between employers — each and every one should be responsible.

Argentina. UATRE: The main employer should have prime responsibility for health, safety and environmental quality in an agricultural workplace, covering the health of his or her own workers, contractors, self-employed workers and members of the public. Other employer(s) in the same agricultural workplace should also have duties towards their own personnel, but be subject to the overall responsibility of the main employer. Furthermore, consideration should be given to the legal duties and responsibilities of agricultural proprietors (owners of premises).

Australia. ACCI: Yes.

Bahrain. National law determines that the responsibility of ensuring industrial safety and providing equipment in contracting work is incumbent upon the employer and the contractor, or the initial contractor and the subcontractors.

Barbados. BEC and BWU: Yes to all; each employer should be responsible for his or her workers' safety and health.

Botswana. BFTU: Yes, this could help to eliminate the discrepancies that occur when someone is working under contract and working conditions are not the same.

Brazil. A policy in this context is necessary as there is an increase in subcontracted labour in agriculture.

Canada. CLC: Job definitions and descriptions are important, to make it clear to whom the workers are responsible.

Croatia. CEA and UAFPTIW: All workers should have the same working conditions at the same workplace.

Egypt. FETU: Yes, but the role of the State or competent authority in this area must not be overlooked.

Ethiopia. Yes, as it is evident that employers, whether collectively or individually, are responsible for the health and safety of their workers in all circumstances.

Ghana. Factories Inspectorate: The employers are individually responsible for the observance of national laws and to the extent that they may not individually be the owner of the equipment they use, cooperation is necessary.

Labour Department: Yes to the individual responsibility of employers for the safety and health of their workers and to the enhancement of effective occupational safety and health management.

Iraq. GFTU: Yes to all.

Ireland. Yes. Farmers are responsible for their own safety, that of their family and farm workers. Contractors working on farms are responsible for their own and their workers' safety.

Lebanon. Yes, if such employers are partners or parties to an agreement for carrying out such activities at the same agricultural workplace, on an agreed project, in which each employer is responsible by mutual agreement for the safety and health of workers in the said project. Cooperation between two or more employers remains desirable.

Lithuania. Employers should establish a written agreement, stating who is responsible for occupational safety and health in the enterprise.

Madagascar. Yes, solidarity as a principle of social security has been tried and proved very efficient in Madagascar for guaranteeing the rights of workers.

Malaysia. These provisions are in place in many industries in the country.

Malta. Provided that the same safety measures apply to both employers.

Mozambique. SINTAF: Yes, in order to assign individual responsibility for compliance with laws and regulations or decrees.

Nigeria. To avoid complications associated with statutory duties and duty of care.

Philippines. AMMMA-KATIPUNAN: In their capacity as owners of the means of production and production capital, employers must be responsible for applying requirements of the instruments and implementing them in a flexible way.

Portugal. CAP: No.

Singapore. This would depend upon the nature of work activities carried out and the work relationship between the employers. In general, the occupier of the workplace should be responsible for the health and safety of persons working therein.

Slovakia. All employers must be responsible for the occupational safety and health of their workers. This area is covered by Convention No. 155.

South Africa. BSA: The workplace itself should, in the first place, be safe — but in cases where outside contractors deliver a service to the farm, these contractors should also have a responsibility for the safe delivery of their services.

Turkey. TÜRK-IS: Yes, the main employer should have prime responsibility for safety and health in agricultural workplaces. Other employers in the same place should also have duties to their own employees, but should be subject to the overall authority of the main employer. Consideration should be given to the duties and responsibilities of the owners of agricultural enterprises.

Uganda. Yes; if not, the employers may think of proportional contributions.

United Arab Emirates. The text should contain the term "both or one of them" and determine their legal responsibilities.

United Kingdom. It is important that respective roles are clearly defined and apportioned, if one employer's activity is likely to endanger those of another. Equivalent responsibilities should also apply to the self-employed when they are working alongside either employees or other self-employed.

United States. USCIB: No. Each individual employer is made responsible for the safety and health of his workforce by national law. Any requirement for "cooperation" will create problems of assignment of responsibilities and complicate current contractual arrangements.

Since almost all the replies received from member States were affirmative, the Proposed Conclusions with a view to a Convention were drafted accordingly *(Point 9)*.

Qu. 17 *(a) Should the instrument(s) provide that the employer(s) take appropriate preventive, protective and control measures to ensure that all agricultural activities, workplaces, machinery, equipment, tools and processes under their control are safe and without risk to the health of workers?*

(b) Should the instrument(s) specify the way in which employer(s) should assess and deal with the risks in taking preventive, protective and control measures?

Total number of replies for clause (a): 84

Affirmative to clause (a): 80. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative to clause (a): 2. Cape Verde, Guatemala.

Other replies to clause (a): 2. Canada, Japan.

Total number of replies for clause (b): 84

Affirmative to clause (b): 70. Argentina, Austria, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Georgia, Greece, Guatemala, India, Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Kenya, Lebanon, Lithuania, Madagascar, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Ukraine, Venezuela, Viet Nam.

Negative to clause (b): 11. Azerbaijan, Ethiopia, Germany, Hungary, Japan, Kuwait, Luxembourg, Malaysia, Uganda, United Arab Emirates, United Kingdom.

Other replies to clause (b): 3. Algeria, Canada, Ghana.

Algeria. (b) Information on occupational hazards and individual and collective preventive measures are necessary.

Ministry of Agriculture: (a) Yes, particularly by taking out insurance policies for tools and equipment; yes to (b), all the details on the way preventive, protective and control measures are taken in agriculture should be carefully checked.

Ministry of the Environment: Yes to (b), provisions should clearly specify the employer's responsibility in taking preventive measures in accordance with the nature of the hazard.

Argentina. UATRE: Yes to (a) and (b), spelling out the employer's clear duties to provide this information in an understandable manner to the workforce, contract labour, self-employed and — where relevant — to the public or community.

Australia. ACCI: Yes to all.

Austria. (b) Excessive detail should be avoided.

PKLK: (b) This should not be more detailed than are the EU provisions regarding the harmonization of legislation.

Barbados. BEC and BWU: Yes to all.

Botswana. BFTU: (a) Yes, it has to be considered in conjunction with other relevant Conventions that provide for the same; (b) yes, it should be specified that any incident is reported without delay to the authority and that appropriate action is taken with the full involvement of trade union representatives.

Brazil. Yes to (b); the employers should be the ones to establish the preventive measures which are specific in each case.

CNT: (b) No, preventive protective and control measures should be established on a case-by-case basis, due to the specificity of agricultural activities in each region of the country.

Canada. (a) Add "so far as is reasonably practicable" after "ensure that". This would take into account that it is not possible at all times to ensure complete absence of risk, but that the employer should exercise due diligence. This addition would be in line with Article 16(1) and (2) of Convention No. 155 and would also be consistent with Canadian safety and health legislation. (b) The provision in the Convention should place emphasis on objectives rather than the possible means, the details of which should be in the Recommendation as suggested guidelines. It might be useful to apply the concept of "reasonably practicable" in the choice of possible means.

CLC: Yes to (a), machine safety is the responsibility of the employer — including operation, maintenance and testing; (b) there should be guidelines for manufacturers and suppliers so that employers and workers receive the proper information.

China. (b) In providing for the way in which employer(s) should assess and deal with the risks, employer(s) should be reminded of their duties.

Colombia. SAC: No to (b); the statement in (a) is enough for the national authorities to implement, according to national law and practice.

Costa Rica. (b) Yes, they should assess and audit work processes according to their characteristics.

Croatia. UAFPTIW: (a) Yes.

Cyprus. (b) There should be a general provision in the Convention for risk assessment, whilst any detailed provisions on the way in which employers should make the assessment and implement measures should be included in the Recommendation.

Denmark. A risk assessment must be done before starting work, so that the necessary preventive measures can be taken. However, the description of the employer's general obligations should not be too detailed.

Ecuador. (b) This provision should be in the Recommendation.

El Salvador. (a) It is necessary to specify the measures listed to avoid occupational accidents in time (Convention No. 155); (b) it is necessary to inform the social partners of the risk associated with the adoption of such measures.

Ethiopia. Yes to (b), as this should be exclusively decided on the basis of the capacity and local conditions of the employers and workplaces and other determining factors.

Finland. In the Recommendation.

France. MEDEF: (a) The design of machinery or equipment plays a vital role; security must be analysed upstream.

CFTC: (a) This is an overall strategy which must be applied within the framework of regulations.

Germany. (b) The "way" should not be prescribed, but should only be a principle. If the reference to "way" is deleted, the Government could answer "yes" to this question.

BDA: Yes to (a).

DGB: Yes to (a).

Ghana. Factories Inspectorate: (a) Yes, this is substantially a provision in Convention No. 155 which member States have ratified; (b) no, this requirement, especially to assess risks, cannot be complied with by certain categories of employers (small owners, owner/occupiers, sharecroppers/tenants, etc.).

Labour Department: (b) Yes, to provide guidelines.

TUC: Yes to all.

Guatemala. (a) As the employer is not responsible alone for the health of workers, there should be an organization through which adequate preventive measures be established; (b) the preventive, protective and control measures should be the responsibility of a council, committee or organization which adopts them.

Hungary. National Health Office and workers' organizations: Yes to (b).

Iraq. GFTU: Yes to (a); no to (b), because it is hard to come to an agreement on this matter.

Jamaica. SPFJ: No to (b).

JCTU: Yes to (b).

Japan. (a) If the substances of the "appropriate preventive, protective and control measures" is left to the discretion of the individual country, the Government is in agreement; (b) the situation is different in each case and such details should not be regulated in an international instrument.

Kenya. (b) There should be uniformity. Good and clear guidelines would be essential.

COTU: (a) This will ensure commitment on the part of the employer; (b) specification will help in the provision of uniform services to workers in the industry.

Kuwait. (b) This should be left to local legislation.

Lebanon. (a) Provided that preventive and safety measures are clearly marked out so that employees can acquaint themselves with such measures and any subsequent changes; (b) this provision should be part of the Recommendation to serve as a guiding framework for methods of risk assessment taken by the employer(s).

Madagascar. (b) Yes, in the form of a Recommendation, as national law and practice must be respected in international Conventions.

Malawi. MCTU: (b) Yes, through the Employers' General Policy concerning safety and health at the workplace and the arrangements in force for carrying out the policy and notifying the employees of any revisions.

Malaysia. (b) Yes, it should be left to the employers to implement or institute the most suitable or practicable way to deal with the type of risks present in their undertaking.
MAPA and NUPW: Yes to (b).

Mali. (a) If necessary, with written commitments; (b) yes, to avoid different measures being taken from one enterprise to another.

Malta. (a) Provided that employers are provided with all necessary help in order to achieve the necessary standards; (b) the specification of standards would ensure that all employers take the same action.

Mauritius. (b) This should include the carrying out of a risk assessment exercise and the implementation of measures to reduce/eliminate risks.
MEF: (a) Provided that employees abide by the relevant laws and regulations; (b) yes, uniformity in risk assessment would thus be ensured.

Mozambique. (b) This would be highly relevant for information and training.

New Zealand. (b) The instrument(s) should provide general principles for assessing and dealing with risks. The principles should include the identification of hazards, the need for a hierarchy of controls such as the elimination, isolation and minimization of risks, including the monitoring of workers' health.
NZCTU: (b) Given the nature of employment in some areas of agriculture, it is unrealistic to expect that employers will in all cases be able to assess and manage hazards on the basis of general principles. Therefore, the Convention should provide some guidance on how employer(s) should assess and deal with risks.

Norway. The instruments should not specify in detail how this should be done.

Pakistan. PNFTU: Yes to all, as far as possible; given that situations differ from place to place, preventive, protective and control measures will also vary.

Philippines. Bureau of Women and Young Workers: (b) This could be dealt with by a Recommendation.

Portugal. CCP: (b) No, the situations differ enormously.
CAP: (b) Yes, for information purposes.

Russian Federation. (a) Designers and manufacturers, as well as employers, should be held responsible for the safety of machinery, equipment, tools and processes; (b) this should be based on a system for reporting industrial injuries and occupational diseases under Article 8 of Convention No. 121 and the ILO Code of practice on the recording and notification of occupational accidents and diseases.

Slovakia. (a) To regulate as a reference to Convention No. 155; (b) the instrument should specify the way in which the employer should assess risks, so that this might be regulated by internal statutory regulations. This specification should be in the Convention.

Slovenia. (b) In a specific simplified form.

South Africa. (b) A comprehensive risk assessment is imperative, if potential hazards/risks are to be controlled effectively.

BSA: (a) As part of a Recommendation, but it should impose the same duty on manufacturers, importers, distributors, traders, etc.; (b) as part of a Recommendation and in accordance with national law and practice.

Spain. (a) Taking into account the limitations concerning outdoor activities.

Sri Lanka. (a) Include provisions to ensure that workers are provided with protective clothing and equipment.

Switzerland. It will be vital to ensure that training makes those concerned aware of their responsibility.

Syrian Arab Republic. (b) It would be appropriate for the Convention to refer explicitly to this; but it would be far better if national legislation dealt with the matter and the instrument concentrated on determining the main risks and the means of controlling them.

Uganda. (b) Some employers may be illiterate and should be assisted regularly by the competent authority.

FUE: Yes to (a), no to (b); this should be left to the employers to do in consultation with workers.

KSW: Yes to all; (a) this will ensure a proactive approach to safety and health; (b) this will ease administration and enforcement of the instruments.

TMTC: Yes to all; (b) for the sake of clarity the instrument should specify the way in which employers should assess and deal with risks.

UNFA: Yes to (a), this will reinforce the adage "prevention is better than cure" and give the workers more confidence in the job; no to (b).

UTA: Yes to all.

United Arab Emirates. (b) This depends on the nature of the agricultural work.

United Kingdom. (a) The duty of care in relation to safety and health should encompass specific requirements: to provide adequate training, information and supervision; to maintain workplaces in a safe condition and provide and maintain safe means of access to and egress from workplaces; to ensure safety and health in relation to the handling, storage and transport of articles and substances; and to provide adequate welfare facilities; (b) the Convention should require relevant assessments to be made and then, in the supporting Recommendation or guidelines, advice should be given on how this should be done — with examples.

TUC: Yes to (b).

United States. USCIB: No.

Since almost all the replies received from member States were affirmative, the Proposed Conclusions with a view to a Convention were drafted accordingly *(Points 10, 28 and 29).*

Qu. 18 *Should the instrument(s) provide that, to this end and on the basis of the general principles of occupational safety and health, the employer(s) should:*

(a) establish a policy on safety and health in agriculture at the enterprise level?

(b) establish a safety and health management system and an occupational health surveillance programme to implement the policy?

(c) periodically review the effectiveness and efficiency of the measures taken?

(d) establish and maintain a system of record-keeping and notification of accidents and diseases at the enterprise level?

(e) ensure the provision of occupational health services which are adequate and appropriate to the specific risks in agriculture?

(f) take measures to ensure that workers in agriculture are provided with the necessary pre-assignment and periodical medical examinations and tests to evaluate the exposure of workers and monitor their health?

(g) provide information to workers, in a comprehensible manner, on the hazards associated with their work, the health risks involved and relevant preventive and protective measures?

(h) provide for safety measures to deal with accidents and emergencies?

(i) provide workers who have suffered an injury or illness at the workplace with first aid, appropriate transportation and access to appropriate medical facilities?

Total number of replies for clause (a): 84

Affirmative to clause (a): 67. Algeria, Argentina, Bahrain, Bangladesh, Belgium, Brazil, Bulgaria, China, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Ethiopia, Finland, France, Georgia, Guatemala, Hungary, Ireland, Israel, Italy, Jamaica, Kenya, Lebanon, Lithuania, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative to clause (a): 14. Austria, Azerbaijan, Belarus, Cape Verde, Croatia, Ecuador, Estonia, Greece, India, Islamic Republic of Iran, Japan, Kuwait, Luxembourg, Pakistan.

Other replies to clause (a): 3. Canada, Germany, Ghana.

Total number of replies for clause (b): 84

Affirmative to clause (b): 67. Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Belgium, Brazil, Bulgaria, China, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, El Salvador, Estonia, Ethiopia, Finland,

France, Georgia, Guatemala, Ireland, Israel, Italy, Jamaica, Kenya, Lebanon, Lithuania, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative to clause (b): 14. Austria, Belarus, Cape Verde, Croatia, Denmark, Ecuador, Greece, Hungary, India, Islamic Republic of Iran, Japan, Kuwait, Luxembourg, Pakistan.

Other replies to clause (b): 3. Canada, Germany, Ghana.

Total number of replies for clause (c): 84

Affirmative to clause (c): 70. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, China, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Greece, Guatemala, Hungary, Ireland, Israel, Italy, Kenya, Lebanon, Lithuania, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (c): 11. Cape Verde, Croatia, Ecuador, India, Islamic Republic of Iran, Jamaica, Japan, Kuwait, Luxembourg, Thailand, United Arab Emirates.

Other replies to clause (c): 3. Canada, Germany, Ghana.

Total number of replies for clause (d): 83

Affirmative to clause (d): 71. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Belarus, Belgium, Brazil, Bulgaria, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Ghana, Greece, Guatemala, Hungary, Islamic Republic of Iran, Ireland, Israel, Italy, Japan, Kenya, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, South Africa, Spain, Sri Lanka, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative to clause (d): 10. Bangladesh, Ecuador, India, Jamaica, Kuwait, Mali, Pakistan, Slovakia, Slovenia, Thailand.

Other replies to clause (d): 2. Canada, Germany.

Total number of replies for clause (e): 84

Affirmative to clause (e): 64. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Belgium, Brazil, Bulgaria, Cape Verde, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Dominican Republic, Egypt, El Salvador, Ethiopia, Finland, France, Georgia, Guatemala, Hungary, Islamic Republic of Iran, Ireland, Israel, Italy, Kenya, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, Venezuela, Viet Nam.

Negative to clause (e): 16. Bangladesh, Belarus, China, Croatia, Denmark, Ecuador, Estonia, Greece, India, Jamaica, Kuwait, Pakistan, Slovenia, Switzerland, United Arab Emirates, United Kingdom.

Other replies to clause (e): 4. Canada, Germany, Ghana, Japan.

Total number of replies for clause (f): 83

Affirmative to clause (f): 67. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Belarus, Belgium, Brazil, Bulgaria, Cape Verde, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, Georgia, Guatemala, Hungary, Islamic Republic of Iran, Ireland, Israel, Italy, Kenya, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, South Africa, Sri Lanka, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative to clause (f): 12. Bangladesh, China, Denmark, Greece, India, Jamaica, Kuwait, Pakistan, Slovenia, Spain, Switzerland, Thailand.

Other replies to clause (f): 4. Canada, Germany, Ghana, Japan.

Total number of replies for clause (g): 84

Affirmative to clause (g): 77. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Ghana, Guatemala, Hungary, Islamic Republic of Iran, Ireland, Israel, Italy, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius,

Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative to clause (g): 5. Greece, India, Jamaica, Japan, Slovakia.

Other replies to clause (g): 2. Canada, Germany.

Total number of replies for clause (h): 84

Affirmative to clause (h): 73. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Cape Verde, China, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Georgia, Guatemala, Hungary, Islamic Republic of Iran, Ireland, Israel, Italy, Japan, Kenya, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (h): 8. Croatia, Ethiopia, Greece, India, Jamaica, Kuwait, Thailand, United Arab Emirates.

Other replies to clause (h): 3. Canada, Germany, Ghana.

Total number of replies for clause (i): 84

Affirmative to clause (i): 75. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Cape Verde, China, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, Estonia, Finland, France, Georgia, Ghana, Greece, Guatemala, Hungary, Islamic Republic of Iran, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative to clause (i): 7. Croatia, El Salvador, Ethiopia, India, Jamaica, Slovenia, Thailand.

Other replies to clause (i): 2. Canada, Germany.

Algeria. Ministry of the Environment: To ensure that prevention is effective, workers must be informed about and made aware of the nature of the dangers to which they are exposed.
CAP: These provisions make up a consistent system, proving their necessity.

Australia. ACCI: Yes to all.

Austria. PKLK: No to (a), (c), (e), (f), (g) and (h).
LAKT: Yes to (a), no to (i).
ÖGB: No to (a).

Azerbaijan. Safety and health policy is drawn up by all the relevant structures, including state enterprises.
ATUC: Yes to (a).

Barbados. BEC: Yes to (a), (c), (d) and (f)-(i); no to (b) and (e).
BWU: Yes to (a)-(g) and (i); no to (h).

Belgium. CNT: All the measures envisaged within this framework might constitute an area to be developed jointly by both employers and workers.

Botswana. BFTU: Yes to (a)-(g) and (i); no to (h); establishment of appropriate structures that will promote consultation between the two parties.

Brazil. It is necessary to involve agricultural workers in the development of preventive measures against environmental hazards and occupational health surveillance.
CNT: No to (a), (f) and (i).
FS: No to (a), (e), (f), (g) and (i).

Canada. In (a) add "or adopt" after "establish". There may be situations where the competent authority has already established a policy to be implemented in this regard. While all of these items are important means, it should be recognized that the characteristics and needs of family farms and farms which have a small number of workers, are different from those of corporate and commercial farms and should not necessarily be subject to the same safety and health requirements. (a), (b), (c), (e) and (f) would, generally, be more applicable to employers in larger undertakings. See also Question 6(a).
CLC: Yes to all; there should be a basic booklet for workers and employers on basic health and safety policies and procedures in the agricultural workplace which is updated regularly.

China. It would be difficult to achieve (e) and (f) in the short term in China.
ACFTU: Clauses (e) and (f) could be chosen, because there are already provisions and policies to this effect in China's state-owned and collective agricultural enterprises. Work in this respect will be progressively reinforced as further reforms are made.

Colombia. SAC: No to (e) and (f).

Costa Rica. In addition to what is mentioned in (d), a health surveillance system adapted to the actual work process should be established at enterprise level.

Croatia. State Inspectorate: All these provisions should be in the Recommendation.

Cyprus. Yes to (b) for the establishment of a safety and health management system; (c) and (d) should be included in the Recommendation; (e) the provision of occupational health services may be arranged in accordance with national law and practice and not provided directly by the employers; (f) depending on the risks to which the workers are exposed.

Czech Republic. CACC: No to all.

Denmark. The requirements should be adapted to the size of the enterprise; (b) this provision is vague — the subject is only partially described in Report VI(1) *Safety and health in*

agriculture — and thus does not provide any guidelines. A safety and health management system usually implies a scheme similar to environment control. (f) Periodical health examinations should not be part of a regular routine, but only performed if suitable examination methods exist — the results of which can be used in a preventive way at the workplace. Examinations prior to a possible recruitment should only be carried out if special conditions apply in connection with the work: there is a risk that health examinations might be used as a selection mechanism of workers. Health examinations must take place in accordance with national legislation and practice.

SiD: Yes to (e).

Ecuador. (f) Should be limited to those areas where the risk of exposure to workers' health is higher.

Egypt. FETU: Yes to all provisions, provided that the competent authorities strictly monitor their application and that small enterprises might fulfil their obligations.

Ethiopia. Clause (f) may be implemented for permanent workers according to local conditions in developing countries. It needs to be specified as an Article in the proposed instruments.

Finland. The provisions in (f) and (i) should be in the Recommendation: (f) a periodical monitoring of the working environment by medical experts usually gives better results than medical examinations of individuals.

France. Yes, taking into account the size of the enterprise.

MEDEF: Yes to (f); no to (a)-(e); the general nature of the question obscures the situation which is more complex depending on the size of the enterprises and their industrial level, especially in the case of clauses (b), (c) and (e) where there can be no single approach.

CFTC, FGA and CFDT: Yes to (f).

Germany. BDA: Yes to (a)-(c) and (g); no to (d), (f) and (h).

DGB: (g) Account should be taken of the various languages spoken by the workers.

Ghana. Factories Inspectorate: No to (a)-(e), (f) and (h); these provisions cannot be easily complied with by all categories of employers envisaged.

Labour Department: Yes to (a)-(c), (e), (f) and (h), to provide a more comprehensive health and safety instrument.

TUC: Employers should also integrate safety into the planning, designing and installation of the plant and machinery.

Greece. The wording used in clauses (a) and (b) is not precise; we propose that it should be replaced by the following: "they should make an assessment of the risks for the safety and health of workers in the enterprise and protect workers against such risks by appropriate means", similar to the wording of article 13(1)(c) and (d) of the Chemicals Convention, 1990 (No. 170); (f) medical examinations should be carried out in accordance with national legislation, respecting medical secrecy.

Hungary. National Health Office: Yes to (b); yes to (i), but this would be feasible only in larger agricultural undertakings.

Workers' organizations: Yes to (b), appropriate protective equipment should be provided.

India. National laws and regulations should determine the matters listed under Question 18 and these same laws and regulations should provide for consultations with employers and workers.

Iraq. GFTU: No to (a), (b), (c), (f) and (h); they exceed enterprises' capacities in the agricultural sector in developing countries.

Ireland. Yes to all; in the case of (b) and (f), where appropriate.

Japan. No to (a), (b) and (c). It is possible to establish systems whereby employers must secure the safety and health of all workers without having to mention the specific risks in agriculture under domestic provisions. The adequacy and appropriateness of the health services should be left to the individual country. (f) The need "to evaluate the exposure" depends on the operations: these provisions should be omitted, and the latter half of this clause rewritten to read as "medical examinations to monitor workers' health". Yes to (g), if the details of "a comprehensible manner" are left to the discretion of each country.

Kenya. This should also be provided for by national laws — or at least acceptable guidelines based on law.

Lebanon. (a) Wherever possible. Such a policy could be in the form of general guidelines. (b) Provided that such a system is flexible and adapted to the size and requirements of the institution. (c) Provided that such a review is conducted as and when necessary. (e) If a single employer finds it difficult to ensure this, cooperation between more than one employer could be useful. (g) Workers should be held responsible for any negligence or violation of such measures. (h) What are the nature and extent of such measures? The Government believes that this clause should be incorporated in the Recommendation. (i) There should be a medicine chest at the workplace.

ACCIA: No to (b); ensuring approval of such a system depends on the financial and administrative abilities of each State.

Lithuania. The Government has some doubt whether it is necessary to repeat what is provided for in the other laws on occupational safety and health.

Madagascar. The system of record-keeping and notification of occupational accidents and diseases must be compatible with that of the State.

Malawi. MCTU: All these provisions should be included in the instrument since they are elements of the occupational safety and health policy for workers.

Malta. The policy should be at national level.

Mauritius. Occupational health services cannot be set up in all enterprises for the time being due to a lack of adequate resources.

Mexico. All those elements should be considered in a comprehensive manner.

Mozambique. Ministry of the Environment: No to (b) and (f).
SINTAF: Yes to all.

New Zealand. (e) Change "ensure the provision of" to "ensure access to".

Norway. Clause (e) should be included in a Recommendation; see Question 11(h). (f) should be included in a Recommendation; conditions, especially regarding pesticide use, vary from country to country and Norwegian agriculture has not needed periodical health examinations to assess exposure and monitor workers' health.

Pakistan. The measures mentioned should be flexible and taken according to national requirements.
PNFTU: All these steps are very essential.

Panama. Employers have the responsibility to adopt all these measures.

Philippines. AMMMA-KATIPUNAN: No to (a)-(e), (g)-(i); yes to (f).
PAKISAMA: No to (e)-(i).

Portugal. These obligations already exist in national legislation but do not cover the self-employed, small-scale farmers, family members and sharecroppers. However, some of these clauses could be adapted. Other obligations concern big enterprises but would be difficult to apply to small-scale enterprises. In (a) "policy" should be replaced by "programme".

CCP: No to (b), (c), (e), (f) and (h).

CAP: No to all.

CGTP-IN: Certain obligations concerning the prevention and promotion of workers' health and safety should concern the employer (Convention No. 155). Such services should provide both safety and health.

Russian Federation. As regards clauses (a), (b) and (d), these should be in accordance with national and sector guidelines and documents.

Saint Lucia. Yes to all; these provisions confer the authority for auditing workplaces on the national authority rather than on the inspection services — which normally fails to show a true picture of working conditions, environment and hygiene, organizational behaviour, disease- and injury-control strategies.

Slovakia. (e) With reference to Convention No. 161; (g) with reference to Convention No. 155.

South Africa. BSA: As part of a Recommendation, the competent authority — after consultation with the most representative body of employers — should establish the policies and systems listed under (a)-(h); no to (i), in many countries, small and emerging farmers will certainly not be in a position to provide these services and will most probably have to call for help from outside.

Spain. (d), (e), (f) and (i) according to national law and practice; (b) to be applied according to the risk and national legislation.

ASAJA: No to (b), (d), (h) and (i).

Switzerland. USP/SBV and USS/SGB: Yes to (d)-(f).

Syrian Arab Republic. It would be better to leave this to national policies on health and safety in the agricultural sector.

Thailand. Ministry of Health: Medical examinations should be provided for persons leaving a job.

Uganda. With the assistance, supervision and knowledge of the competent authority.

TMTC: Yes to all; Uganda Tea Association members should consult among themselves to establish a common policy to be practised by each member enterprise in response to the instrument.

UNFA: Yes to (a), (b), (d) and (g)-(i); no to (c), (e) and (f); provision of health services and tests are not feasible under conditions prevailing in the developing world.

United Kingdom. (a) The policy needs to be written down when there are five or more employees in the enterprise; (b) this should be relative to the size and type of the organization; (e) see Question 11(h); (h) and (i) these provisions should be required only where a workplace is remote from emergency medical services, and as part of an employer's assessment of first-aid needs; an employer may need to make special arrangements to ensure appropriate transport is available. See Question 10(c), concerning health surveillance, medical examinations and the risk assessment.

TUC: Yes to (e).

United States. USCIB: No to all; most farms have limited resources and industrial health and safety principles cannot be applied and implemented.

The great majority of the replies favoured the measures to be taken by employers listed under Question 18. Even though the majority of the replies agreed with its inclusion, clause 18(f) in Question 18 was deleted due to the comments of several member States concerning the possible constraints in its application, on the understanding that an adequate safety and health surveillance system would provide for the necessary medical examinations, where appropriate. Reference was made to the extension of occupational health services to agriculture; however, the specific duties of occupational health services for the implementation of an occupational safety and health surveillance system at the national and enterprise level were not incorporated and these should be interpreted in the light of the principles embodied in Convention No. 161. The Proposed Conclusions with a view to a Recommendation were drafted accordingly *(Points 10, 26, 27 and 28).*

Should the instrument(s) provide that all appropriate precautions be taken by the employer(s) to protect the public and the environment from all risks which may arise from the agricultural activity concerned? **Qu. 19**

Total number of replies: 84

Affirmative: 72. Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Ghana, Guatemala, Hungary, Islamic Republic of Iran, Ireland, Israel, Italy, Kenya, Kuwait, Lebanon, Lithuania, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative: 10. Austria, Denmark, Germany, Greece, India, Jamaica, Japan, Luxembourg, Slovakia, Slovenia.

Other: 2. China, New Zealand.

Algeria. Yes, when there are risks for the environment.

Ministry of Agriculture: Very strict regulations must take care of this very sensitive area.

Ministry of the Environment: The future instrument must clearly define the employer's responsibility vis-à-vis protection of the population and environment from risks arising in agricultural activities.

CAP: Yes, but only those that the employer might take at enterprise level.

Argentina. UATRE: Yes, employers should have the obligation to protect the public and the environment.

Australia. ACCI: Yes.

Austria. This is not part of worker protection and, consequently, should not be addressed by the planned instrument.

PKLK: Yes, this is compatible with the nature of agriculture and the forestry sector.

LAKT and ÖGB: Yes.

Barbados. BEC and BWU: Yes.

Belgium. CNT: Yes, but this aspect might be dealt with in the wider context of the impact of production methods on public health and the environment.

Botswana. BFTU: Yes, a sustainable environment will sustain employment and ensure job security for all parties involved.

Brazil. Yes, certain agricultural activities could cause serious environmental contamination.

Canada. Others, including the workers and the public themselves, share the employer's obligation in this regard. The following should be added as a subparagraph to cover members of the "public", such as truckers and contractors, entering the workplace: "the instrument(s) should provide that the employer should be responsible to ensure that every person granted access to the workplace by the employer is familiar with and uses, in the prescribed circumstances and manner, all prescribed safety materials, equipment, devices and clothing".

CLC: Workers should have the right to present or voice any concerns they may have without fear of threats or job loss.

China. Precautions can be taken according to the legislation of each country. It would be inappropriate to have them provided for in the instruments.

Cyprus. Not only the employer but also self-employed persons should take all measures to protect the public, the environment and other persons at work.

Czech Republic. CACC: Yes, and the instrument should stipulate the manner in which they should be taken.

Denmark. The employer should ensure that any agricultural activity takes place in accordance with the rules concerning the external environment; however, the Government does not feel that this should be included in the Convention.

Egypt. FETU: Provided that the competent authorities strictly monitor their application and that small enterprises might fulfil their obligations.

El Salvador. See Conventions Nos. 155, 170 and 174 and Recommendation No. 177.

Ethiopia. Employers should exclusively bear the responsibility for environmental risks that are caused by the agricultural activity they carry out.

Finland. TT, LTK and FAE: No, reference to the public and general environment should not be made.

France. MEDEF: No, this goes beyond the employer's responsibility.

CFTC: Yes, but this would be difficult to apply

Germany. BDA: No, this does not fall within the regulatory remit of the ILO.

Ghana. Factories Inspectorate and Labour Department: Yes, all employers may be properly informed by simple instructions to protect public health and the environment.

Greece. No, because although this might be correct in theory, this measure is a matter for other United Nations bodies.

PASEGES: Yes.

India. This should be left to national laws.

Iraq. GFTU: Yes.

Israel. Yes, unless this is covered by the environmental authorities.

Japan. The protection of the environment exceeds the scope of the instrument.

Kenya. Employers should take due regard of the environment and strive to protect it from hazards.

Lebanon. Within the provisions of national laws.
ACCIA: Yes, this would limit the risks for both the public and the environment.

Malawi. MCTU: Yes, the need to ensure that employers take all precautions is paramount and cannot be overemphasized.

Malaysia. MAPA: No, this should be restricted only to safety and health in employment.

Mali. The environment is so threatened today that it is necessary to take this into account when drafting the instruments.

Mauritius. The employer(s) should optimize the use of pesticides and persistent products should be restricted or banned.
MEF: Legal instruments concerning environment impact assessment and environmental standards already exist.

Mexico. The instrument should provide for precautions whenever agricultural activities are carried out in areas where there is a risk of contamination of agricultural products, the general environment or the population.

Mozambique. Environmental protection guarantees public health.
SINTAF: Yes.

New Zealand. For "protect the public", the answer is "yes", for "protect the environment", see Question 11(g). It is very important that agricultural activities do not harm the environment, but it is not appropriate for an instrument of this size or for the ILO and should be dealt with separately under international and national environmental laws.
NZCTU: Yes.

Norway. LO: National minimum standards must be drawn up based on a sustainable development.

Pakistan. This provision should be flexible and its implementation left to the country concerned.
PNFTU: Yes, since the danger to safety and health is not confined to the agricultural workplace but may influence the general environment, the employers should ensure protection for the public and surroundings.

Philippines. AMMMA-KATIPUNAN: In a period of development, public and environmental health protection must be ensured because most employers are unfamiliar with new precautions for protection as a whole.

Portugal. No, the environment is not under the ILO mandate.
CCP: No, there must be other specific legislation on the environment.
CAP: Yes, for pedagogic purposes.

Russian Federation. Yes, in view of the environmental pollution by agrochemicals, livestock waste, soil depletion, topographical and fluvial changes, etc.

Slovakia. Relevant safety measures to protect the public are regulated by Convention No. 174.

South Africa. Specific attention could also be given to waste management.

BSA: This may be part of a Recommendation — but only if these precautions can be clearly defined. The duty of manufacturers, importers, distributors and traders in this regard should not be overlooked.

Sri Lanka. In the present context this is a timely requirement.

Syrian Arab Republic. It would be difficult. But all parties must cooperate with the central agriculture inspection units and all other units involved.

Uganda. The authority responsible for protection of the public and environment should be duly informed in advance of the process to be carried out; this would make it easier to take any subsequent precautions.

KSW and TMTC: Yes, the instrument should guide employers in conformity with national laws.

UNFA: This would greatly help to reduce environmental pollution and the indiscriminate use of agrochemicals.

UTA: The Government should also be involved and the problem tackled nationally.

United Arab Emirates. Especially in the use, handling and storage of plastic and chemical products (environmental pollutants).

United Kingdom. Specific risks to the environment, where the risk is not one relating to the health and safety of workers and others, may be better tackled under a specific environmental requirement than in this Convention.

United States. USCIB: No, protecting the "public and environment from all risks which arise from the agricultural activity concerned" is clearly beyond the scope of any instrument pertaining to the health and safety of workers.

Since the majority of the replies favoured the measures to be taken by employers to protect the public and the environment, the Proposed Conclusions with a view to a Recommendation were drafted accordingly. For the purposes of these standards, such measures concern the impact that such workplace activities can have on the surrounding general environment and the population in the vicinity (e.g. emissions or waste of hazardous chemicals or livestock waste, soil depletion, etc.) *(Point 29).*

Qu. 20 *Should the instrument(s) provide that the competent authority should take measures, in accordance with national law and practice, to ensure that:*

(a) those who produce, import, provide or transfer chemicals or biological products for use in agriculture follow internationally agreed standards on safety and health, and provide adequate and appropriate information to the competent authority and the users?

(b) there is an appropriate national system with specific criteria with respect to the importation, classification, labelling and banning or restriction of chemicals used in agriculture?

Total number of replies for clause (a): 83

Affirmative to clause (a): 70. Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, India, Ireland, Israel, Italy, Kenya, Kuwait, Lebanon, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Nigeria, Norway, Pakistan, Panama, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovenia, South Africa, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (a): 10. Algeria, Argentina, Colombia, Islamic Republic of Iran, Jamaica, Lithuania, Mozambique, New Zealand, Philippines, Slovakia.

Other replies to clause (a): 3. Ghana, Japan, Spain.

Total number of replies for clause (b): 83

Affirmative to cause (b): 77. Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (b): 5. Algeria, Argentina, Georgia, India, New Zealand.

Other replies to clause (b): 1. Spain.

Algeria. Ministry of the Environment: Yes to all: the instrument must address the need for national measures strictly regulating the use of chemical products.

CAP: Yes to all.

Argentina. UATRE: Yes, (a) include "waste" and "disposal of empty containers and obsolete chemicals", define "agrochemicals" and specify international standards to apply. The WHO Recommended Classification of Pesticides by Hazard and Guidelines to Classification 1998-1999 should be used. The term "chemical safety" should be avoided; using this outdated language conveys the misleading impression that somehow the use of pesticides can be made safe. Instead, the union insists on modern and widely used terminology such as "sound management of chemicals". Reference to labels of chemicals' containers should be clear and unify the criteria of national, regional and international standards.

Australia. ACCI: Yes to all.

Barbados. BEC: Yes to all.
BWU: Yes to all; (a) this information is vital to identify chemicals that have been banned in other countries.

Belgium. CNT: No to (b).

Botswana. BFTU: Yes to all; a comprehensive legislation on the control of chemicals needs to be in place at national level.

Brazil. Yes, it is important to develop these issues as safety and health and all those involved in it are not currently covered in national legislation.

Canada. CLC: There should be an international standard, based on Canada's Workplace Hazardous Materials Information System, which provides for these requirements.

Cyprus. (a) The internationally agreed standards should be specified in the instruments.

Czech Republic. There are a number of international guidelines in the field of chemicals; it would be sufficient to refer to them.
CACC: No to all.

Denmark. The EU directives on classification, labelling and packing are in force.

Egypt. The Ministry of Health and Population is implementing a plan in the field of chemicals.
FETU: Yes, in consultation with the employers' and workers' organizations in this area.

El Salvador. Refer to Conventions Nos. 155, 170 and 174, and Recommendation No. 177.

Ethiopia. Although in the majority of cases there is no clear-cut definition of the authority responsible for this, any competent authority appointed to collaborate with other concerned bodies should handle the afore-mentioned duties, as they are fundamental.

Finland. (a) This should be in the Recommendation.
TT, LTK and FAE: (a) Reference to international standards should not be made.

France. A principle should be established to substitute carcinogenic and mutagenic agents or those toxic for reproduction by others which are less dangerous — or not dangerous at all — before they are put on the market and used.
FGA and CFDT: No to (b).

Georgia. National legislation must also reflect international standards.

Germany. BDA: Yes to all.

Ghana. Factories Inspectorate: Yes to (a).
Labour Department: No to (a); yes to (b).

India. This is the only method by which the user, consumer and the public in general can have a guarantee of protection against harmful chemical and biological products.

Japan. (a) Yes, if the instrument is a Recommendation. The wording "follow internationally agreed standards on safety and health, and" should be deleted.

Lebanon. (b) This requires an exchange of information and cooperation among member States, as well as the prohibition of the exportation of chemicals or biological products which are banned in the producing or exporting country.
ACCIA: The implementation of these measures should be made compulsory.

Malawi. MCTU: Yes to all; the competent authority should take measures under national law and practice to include such provisions.

Malaysia. The manner in which chemicals are stored must also be regulated to ensure that they are at a safe distance from the dwelling of the workers.
MAPA: No to all; the instruments should focus on the industry.

Mauritius. Implementation of these provisions would only be possible after appropriate amendments to the present national legislation.

Mozambique. SINTAF: Yes, to make known the chemicals used in the country and ensure that importers of internationally banned products are penalized.

New Zealand. Chemical safety and health is such an important issue that it is outside the scope of this instrument and should be dealt with elsewhere under international and national laws and conventions. We do not believe that the instrument should address workers not engaged in farming, but supplying services to farming. See Question 5(e).
NZCTU: Yes to all; these provisions are necessary if there is to be realistic protection of agricultural workers. An unsafe agrochemical container not marked will create problems for workers who receive and handle those chemicals.

Norway. LO: Producers and importers must ensure that products are labelled in conformity with international and national rules, in a language that is understood. They must without delay supply product data sheets for the chemical products to be delivered.

Pakistan. PNFTU: There has been an excessive use of insecticides, fertilizers and other chemicals in almost all agricultural activities; the instruments should therefore cover the powers of the competent authority to take the necessary measures.

Philippines. Bureau of Women and Young Workers, ILS and PAKISAMA: Yes to (a).
NTA: Yes to all.
AMMMA-KATIPUNAN: Chemical producers look for profit — and profit pays little heed to protection; (b) is therefore very necessary.

Portugal. CCP: No to all.
CAP: No to (b).
CGTP-IN: Such criteria should also concern environmental protection.

Russian Federation. In accordance with Convention No. 170 and Recommendation No. 177, given the widespread use of imported pesticides and agrochemicals.

Singapore. The information in (a) should include material safety data sheets for the chemical used. The end users must be told of the hazards involved and the precautionary measures to take.

Spain. This is acceptable but not in this Convention.
ASAJA: No to (b); there should be an internationally agreed system.

Switzerland. (b) Yes, by adding "putting on the market" of these chemicals.

Syrian Arab Republic. Not only those supplying or transporting chemical or biological products but also those importing or producing chemical products must respect international safety standards.

Turkey. TÜRK-IS: Yes to (a) and (b). The definition of "chemicals" in an agricultural context should be specified; the WHO Recommended Classification of Pesticides by Hazard and Guidelines Classification 1998-1999 should be used; the term "chemical safety" should be replaced by more modern and widely used terminology such as, for example, "sound management of chemicals"; toxic chemicals are not safe and using this outdated language conveys the misleading impression that somehow their use can be made safe.

Uganda. TMTC: No to (a).

UNFA: No to all; the national system is enough as the prevailing conditions in most developing countries cannot allow for internationally agreed standards.

UTA: Producers of agrochemicals should also recommend protective measures for their use.

United Kingdom. (a) If the instrument requires that "adequate and appropriate information" (undefined) on all agrochemicals be provided, the competent authority will be swamped by unsolicited paper. If it is retained, the Government suggests the instruments adopt the format of EU directives by including wording such as "on request" or "at its request" and "in relation to specific types of agrochemicals". (b) In relation to pesticides and veterinary medicines, the United Kingdom system does not operate on the basis of specific criteria; rather decisions on these matters are decided on a case-by-case basis using all the available evidence.

United States. USCIB: No to all; the ILO already has a Chemicals Convention.

Since the great majority of the replies received from member States was affirmative, the Proposed Conclusions with a view to a Convention were prepared accordingly. The Office has also drafted complementary provisions as Proposed Conclusions with a view to a Recommendation *(Points 15 and 31).*

Qu. 21 *Should the instrument(s) specify that the preventive, protective and control measures to be taken by employer(s) with respect to the use of chemicals in agriculture should in particular cover:*

(a) the preparation, handling, storage and transportation of chemicals;

(b) the disposal of empty containers and the treatment and disposal of chemical wastes;

(c) the release of chemicals resulting from agricultural activities; and

(d) the maintenance, repair and cleaning of equipment and containers for chemicals?

Total number of replies for clause (a): 83

Affirmative to clause (a): 79. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Cape Verde, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic

of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (a): 4. Canada, China, Japan, Spain.

Total number of replies for clause (b): 83

Affirmative to clause (b): 78. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Switzerland, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (b): 5. China, Denmark, Japan, Spain, Thailand.

Total number of replies for clause (c): 83

Affirmative to clause (c): 73. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, Islamic Republic of Iran, Ireland, Italy, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovenia, South Africa, Sri Lanka, Switzerland, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (c): 10. China, Croatia, Denmark, Israel, Jamaica, Japan, Pakistan, Slovakia, Spain, Thailand.

Total number of replies for clause (d): 82

Affirmative to clause (d): 75. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Kenya, Kuwait, Lithuania, Madagascar, Malaysia, Mali, Malta, Mauritius,

Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Switzerland, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (d): 7. China, Jamaica, Japan, Luxembourg, Pakistan, Spain, Thailand.

Algeria. Ministry of the Environment: The measures should include ways to dispose of chemical wastes.

CAP: At times, the costs or means cannot be borne by the employer; provision should be made for thresholds and subsidies.

Argentina. UATRE: The Convention should cover the "use" of pesticides and other agricultural chemicals.

Australia. ACCI: Yes to all.

Azerbaijan. These points should be dealt with under national legislation based on the particular nature of the work and the level of development of the individual subsectors in each member State.

Bahrain. Add the following: "the maintenance of engineering control procedures with adequate operational control procedures".

Barbados. BEC and BWU: Yes to all.

Botswana. BFTU: Yes to all, to ensure the protection of human beings and natural resources.

Brazil. It is important to highlight that empty containers could be recycled and used by the producers of chemicals.

FS: No to (c).

Bulgaria. (a) There should be no more production of chemical substances.

Canada. General principles regarding preventive, protective and control measures to be taken by employers with respect to the use of pesticides in agriculture should be included in the Convention. More detailed references on this issue could be included in the Recommendation. (a) The meaning of "transportation" should be clarified; transportation outside the agricultural workplace should not be covered.

CLC: Yes to (a); it should be made clear what is meant by application, handling and storage of chemicals.

China. These measures should be provided for in other instruments.

Czech Republic. CACC: No to all.

Denmark. Yes only to (a) and (d) — to the extent that they are of significance to the working environment.

Egypt. They increase the role of prevention by controlling unsafe exposure to agricultural chemicals.

FETU: Yes, by stressing the role of the bodies responsible for awareness and education in this area.

Ethiopia. Should also be included in these specifications: emergency aid during poisoning, as well as accidents caused by unexpected leaks and contact with hazardous and poisonous chemicals.

France. CFTC: Yes.

Germany. BDA: No to all.

Ghana. Labour Department: Comprehensive measures should be taken.
TUC: Training for users should also be covered.

India. NFITU: The indiscriminate use of a wide range of hazardous chemicals affects the health and safety of workers and the general environment, endangering the health of the public at large. The permissible quantity, frequency of application and specifications of these chemicals should be described in detail to legally restrict their use, including severe penalties. The Convention should provide for intensive inspection.

Japan. Although actual measures to be taken may include those listed in this paragraph, the list is too detailed to be included in the instruments.

Kenya. These measures will reduce environmental pollution.
COTU: Yes to all; decontamination of polluted sites needs to be included.

Lebanon. With established laws; (b) provided that they comply with the law and the competent authorities are informed; (c) chemicals should be kept in isolated places away from the workplace and cleaned, protecting those who use them.
ACCIA: No to all.

Madagascar. Emphasis should be put on clauses (b) and (c) to promote the protection of the environment and the surrounding populations.

Malawi. MCTU: Specify the preventive, protective and control measures to be taken by the employers with respect to the use of chemicals.

Malta. These measures ideally would apply also to other areas and not only to agriculture.

Mozambique. Ministry of the Environment: These measures would prevent communities using empty containers for other purposes.

New Zealand. For the purpose of protecting the workers, not for the purpose of protecting the environment. See Question 19.

Panama. Include adequate maintenance and use of the equipment for adapting chemicals to the crops, avoiding environmental pollution.

Philippines. Bureau of Women and Young Workers: In the Recommendation.

Portugal. In the Recommendation.
CCP: No to (c).
CAP: No to all.

Russian Federation. Yes from (a)-(d), in view of the documented cases of fatal, acute and chronic poisoning caused by pesticides throughout the world, especially in developing countries.

Singapore. Essentially, the measures should cover the entire life cycle of a chemical.

Slovakia. (b) The Government suggests including these measures in the Recommendation.

South Africa. Yes to (d); the disposal of chemicals, pesticides and herbicides is not properly handled in the agricultural sector.

Spain. These should be restricted to agricultural workplaces and activities. See Question 20.

ASAJA: Yes to all.

Sri Lanka. Ignorance and unawareness of the measures available — both on the part of the employer and employees — have been the main cause of hazards.

Syrian Arab Republic. The Government must control the employer's implementation of preventive measures while transporting or preparing chemical products.

Uganda. With assistance, advice and supervision (in case of doubt) by the competent authority.

TMTC: Clause (a) covers all.

UNFA: Yes to (a), (b) and (d). These measures would essentially cover the broad areas in which the use of agrochemicals poses problems.

UTA: Many risks are associated with the measures listed, hence maximum care is needed.

United States. USCIB: No to all; see Question 20.

Since the great majority of the replies received from member States was affirmative, the Proposed Conclusions with a view to a Convention were drafted accordingly. The Office also drafted complementary provisions as Proposed Conclusions with a view to a Recommendation *(Points 16 and 31)*.

Qu. 22 *Should the instrument(s) provide that, at the enterprise level, employer(s):*

(a) establish a system for the classification and labelling of chemicals used in agriculture and ensure that all containers are appropriately labelled?

(b) establish criteria and procedures for the treatment and disposal of hazardous wastes and empty containers of chemicals, consistent with national and international regulations, to protect the safety of workers, the public and the environment?

(c) ensure that the use, storage and transportation of chemicals at the workplace are carried out by trained, competent and authorized persons?

Total number of replies for clause (a): 83

Affirmative to clause (a): 66. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Cape Verde, Colombia, Costa Rica, Croatia, Cuba, Czech Republic, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, France, Germany, Ghana, Greece, Guatemala, Hungary, India, Islamic Republic of Iran, Ireland, Italy, Jamaica, Kenya, Kuwait, Lebanon, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, Nigeria, Panama, Philippines, Portugal, Romania, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Switzerland,

Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, Venezuela, Viet Nam.

Negative to clause (a): 14. China, Cyprus, Denmark, Georgia, Israel, Lithuania, New Zealand, Norway, Pakistan, Poland, Russian Federation, Spain, Syrian Arab Republic, United Kingdom.

Other replies to clause (a): 3. Canada, Finland, Japan.

Total number of replies for clause (b): 83.

Affirmative to clause (b): 71. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Cape Verde, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Kenya, Kuwait, Lebanon, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Romania, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, Venezuela, Viet Nam.

Negative to clause (b): 9. China, Lithuania, Luxembourg, New Zealand, Pakistan, Russian Federation, Spain, Syrian Arab Republic, United Kingdom.

Other replies to clause (b): 3. Canada, Finland, Japan.

Total number of replies for clause (c): 85

Affirmative to clause (c): 77. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Kenya, Kuwait, Lebanon, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (c): 6. Belarus, Cyprus, Jamaica, Lithuania, Luxembourg, Spain.

Other replies to clause (c): 2. Finland, Japan.

Algeria. Ministry of the Environment: The instrument should contain provisions fully committing the employer's responsibility for the skills of workers carrying out these tasks.

CAP: No to (a) and (b); the procedures described in these clauses go beyond the scope of the enterprise which can only apply them.

Argentina. UATRE: Clause (a) should specify the employer's responsibility to translate labels into languages understood by the workers, including migrant workers. New (d) may be created: "prior to the use of toxic chemicals, employers should carry out a risk assessment, based on industrial hygiene standards, covering prevention and control measures, technical and engineering controls, information and training, health surveillance and personal protective equipment".

Australia. ACCI: Yes to (a) and (b); no to (c).

Austria. Yes to (b), but the instrument should only address workers' safety.
PKLK: Yes to (a) and (b); appropriate support is foreseen for small and medium-sized enterprises.

Barbados. BEC and BWU: Yes to all.

Belgium. CNT: No to (b) and (c); use must be made of the language which workers speak locally, as well as of easily identifiable and understandable signs and symbols.

Botswana. BFTU: Yes to (a) and (c); no to (b).

Brazil. Emphasis should be placed on training of workers, taking into account the toxicological characteristics of the chemicals used.
FUNDACENTRO: No to (a); the Government should specify these measures.

Bulgaria. (b) The texts relating to the protection of the population and environment are unnecessary.

Canada. Generally, there is a need to separate more clearly occupational safety and health from environmental issues. (a) and (b), add "or adopt" after "establish", to recognize the role of the competent authority in this regard; add a new item (d): "develop and implement an employee education programme with respect to hazard prevention and control at the workplace".
CLC: Yes to (a) and (b).

China. This should be done by the Government.

Costa Rica. Include: "reduce exposure and workload, respect application time frames and post-application quarantines, improve work organization and work content, promote alternative methods of production, such as organic agriculture and alternative methods of pest control".

Cyprus. No to (a); employers should only ensure that all containers used at their enterprise are appropriately labelled according to the national system referred to in Question 20(b) as they cannot establish on their own a system for the adequate classification of chemicals; (c) only hazardous chemicals should be covered by such provisions.
PEO: Yes to (a) and (c).

Czech Republic. It is sufficient only to refer to existing international standards.
CACC: No to all.

Denmark. (a) Labelling and classification must be done in accordance with national and international criteria; (b) and (c), a "competent person" is sufficient, because this might include training and authorization in accordance with national law and regulations. See Question 20.

Egypt. A database must be established to help draw up a prevention plan at national and enterprise levels for individuals; this would help to stop pollution at the source and inform the workforce and the general public.

FETU: Yes, the competent authority must have, in consultation with the employers' and workers' organizations, an essential role in elaborating systems and standards, and in training and education.

El Salvador. Refer to Conventions Nos. 170 and 174, and Recommendation No. 177.

Ethiopia. Information systems on chemical safety and injuries related to agricultural activities should be established for developing a strong chemical safety programme for the sector.

Finland. (a) and (b): systems and criteria should be established at national and international levels and manufacturers and employers should ensure that these are followed. Clause (c) should be supplemented with "according to the national law and practice" after "authorized persons".

FAE, TT and LTK: (b) a reference to the public and general environment should not be made; there should be no reference to international standards.

France. MEDEF: No to (a) and (b).

Germany. BDA: No to all.

Greece. The Government has reservations about the reference to the public and the environment; see Question 19.

Guatemala. Other instruments containing provisions, systems and procedures for the use of chemicals are necessary.

Hungary. National Health Office: In the case of individual producers, (c) would be difficult to enforce.

Israel. Clause (a) is the responsibility of the authorities and not that of the individual employer.

Japan. (a) Yes, if the specific measures are left to the individual country to determine.

Kenya. Accurate records should be kept of chemicals used or sold or containers destroyed — and of where.

Lebanon. (a) See Question 20(b); in (b), provided that it is carried out with the knowledge or supervision of the competent authority in accordance with the controls specified by the latter; (c) to ensure that the persons undertaking such work are fully aware of its hazards. The term "authorized" should be defined, as well as those who issue the "authorization".

ACCIA: No to all.

Lithuania. All branches of industry should have the same system for classification and labelling. There is no need to separate agriculture.

Malawi. MCTU: Yes to all.

Mauritius. The competent authority should adopt an internationally accepted system for the classification and labelling of chemicals and this system should be adopted by employers.

Morocco. In the Recommendation.

Mozambique. SINTAF: No to (b) and (c).

New Zealand. (a) and (b), this should be handled by national law, not at the employer level; (c) chemical safety should be handled separately.

NZCTU: Yes to (a) and (b).

Norway. (a) The obligation to label chemicals should lie with the importers and suppliers.

Pakistan. PNFTU: Yes to (a) and (b).

Panama. The system should be the responsibility of a government institution. Labels should be provided to employers according to regulations and applied at enterprise level.

Philippines. AMMMA-KATIPUNAN: No to (a) and (b); it is preferable for competent and authorized persons to be responsible in all processes of chemical handling.
Bureau of Women and Young Workers: In a Recommendation.

Poland. (a) The system of classification and marking of chemical substances used in agriculture should be standardized at national level.

Portugal. There should be coordination with the relevant authorities at central and local level to solve these problems which are beyond the capacity of employers in the sector.
CCP: No to (a).

Singapore. A proper hazardous material management programme should be established and implemented at enterprise level.

South Africa. (c) National authorities and national standard-setting organizations should be consulted concerning the issues listed in this question.
BSA: No to (a) and (b); the majority of farmers will not have the technical knowledge to establish such a system for the classification and labelling or the criteria and procedures for the treatment and disposal of hazardous wastes. This is certainly a duty which must be put on the manufacturers, importers or traders.

Spain. See Questions 20 and 21.
ASAJA: Yes to (b).

Sri Lanka. The implementation of these provisions must be supervised by an appropriate authority.

Switzerland. (a) These provisions should be included in the Recommendation.
USS/SGB: Yes, provided that a certificate is required, in accordance with toxic substances legislation.

Turkey. TÜRK-IS: (a) Labels should be in the appropriate languages. Add to (d): "prior to the use of toxic chemicals, employers should carry out a risk assessment based on industrial hygiene standards covering prevention and control measures, information and training, health surveillance and personal protective equipment".

Uganda. (a) There should be a uniform approach to classification; (b) the treatment of wastes should be encouraged.
TMTC: No to (a) and (b); (c) covers all.
UTA: Punitive measures should be put in place by the Government if the measures listed are not respected.

United Kingdom. The concept underpinning this question is not clear; (a) no, if the requirement is placed on the employer; (b) treatment and disposal matters are generally considered under environmental legislation; (c) the important word is "trained", the use of the term "authorized persons" begs for a definition and suggests inclusion on some form of official list.
TUC: Yes to (a) and (b).

United States. USCIB: See Question 20.

The great majority of the replies received from member States were affirmative. However, it was decided to cover these subjects with a broader provision for the application of the preventive measures, with the inclusion of a general reference to the prin-

ciples embodied in the Chemicals Convention, 1990 (No. 170). This was further complemented with other provisions specifically addressing the use of chemicals in agriculture in the Proposed Conclusions with a view to a Recommendation *(Point 31)*.

MACHINERY SAFETY AND ERGONOMICS

Should the instrument(s) specify that the preventive, protective and control measures to be taken by employers in agricultural undertakings in tropical and subtropical countries be adapted to the conditions in those countries and, in particular, in matters relating to climate, transfer of technology, work processes and working practices? **Qu. 23**

Total number of replies: 74

Affirmative: 70. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Kenya, Kuwait, Lebanon, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Morocco, Mozambique, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Sri Lanka, Syrian Arab Republic, Thailand, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative: 2. Japan, Luxembourg.

Other replies: 2. Hungary, India.

Algeria. Ministry of Agriculture and Ministry of the Environment: Yes.

Australia. ACCI: Yes.

Azerbaijan. ATUC: This should apply not only to tropical and subtropical countries but to States with similar climate zones in which agriculture is predominant.

Barbados. BEC: Yes.
BWU: Yes, chemicals may react differently when used in tropical and subtropical countries because of the climate.

Botswana. BFTU: No.

Cyprus. The provision should be drafted in general terms so as to cover all workers and not only those working in tropical and subtropical countries.

Czech Republic. TUWAF: No.

Ecuador. Yes; however, the instruments should cover all agricultural enterprises and not exclude any on account of regional or other conditions.

Ethiopia. The specification should also include the provision of appropriate information pertaining to the matters in Question 23 by producers and suppliers.

Germany. BDA: Yes.

Ghana. Labour Department: Yes, to reduce ergonomic problems, as well as occupational and environmental hazards.

TUC: No, this offers public authorities and employers an opportunity to use "conditions in those countries" to shirk responsibility. Minimum standards are required.

Greece. Provided that these measures do not lead to a drop in the standards of worker protection.

Guatemala. It is essential to take into account the ergonomic characteristics of workers and specific conditions in each country.

India. This should be left to national laws and regulations. The new instrument should be drafted to provide flexibility at the national level, taking into account the existing national circumstances.

Iraq. GFTU: Yes.

Japan. The preventive and protective measures should conform to the conditions of Members; such a provision should not only be applied to tropical and subtropical countries.

JTUC-RENGO: The instruments should specify measures for "agricultural undertakings" in a climate with regional characteristics.

Kenya. COTU: Yes, because chemical effects are influenced by climatic conditions.

Lebanon. Provided that maximum safety and health standards are ensured in the Recommendation.

ACCIA: This should be left to the country concerned.

Malawi. MCTU: Yes.

Malta. Ideally, measures should be adopted according to each country's conditions but in conformity with common international standards.

Mexico. This is relevant because problems linked to technology transfer have repercussions on economics.

Morocco. This should be included in the Recommendation.

Mozambique. SINTAF: Yes, climatic conditions have an impact on the use of certain products.

Norway. LO: The instruments must in all cases specify that measures be adapted to national conditions in order to protect workers in all climatic conditions.

Pakistan. These measures should be in accordance with the conditions of member States.

Panama. Preventive measures change according to climatic, geographical and cultural conditions and have an impact on safety and health.

Slovakia. These measures should also relate to mild climate zones as the activity carried out by workers in agriculture is influenced to a very great extent by climatic conditions.

South Africa. BSA: Yes, in the Recommendation and provided that countries which may not have adequate technical knowledge to develop such measures receive assistance to develop them.

Sri Lanka. This is more relevant in the production and use of protective clothing and equipment to suit local conditions.

Switzerland. USP/SBV and USS/SGB: Yes.

Uganda. Technology transfer has already done harm in some sectors.
TMTC and UNFA: Yes, this is necessary as the conditions in the tropics and the technology transfer pose different problems compared to those in the temperate areas.

United Kingdom. Yes, but not in a way that reduces standards of safety and health. An adequate risk assessment and actions resulting from it should take into account climates and work processes.

United States. USCIB: Transfer of technology is beyond the ILO's jurisdiction.

Since the great majority of the replies received from member States was affirmative, the Proposed Conclusions concerning the adaptation of technology to the receiving countries were drafted accordingly. Based on some comments from member States, the reference to tropical countries was deleted and the language of the provision slightly reworded; it was transferred for consistency to the section which deals with general preventive and protective measures in the Proposed Conclusions with a view to a Recommendation *(Points 29 and 30).*

Qu. 24

(a) Should the instrument(s) provide that national laws and regulations should prescribe that agricultural machinery, equipment and appliances comply with safety and health standards?

(b) If yes, should the instrument(s) provide that the competent authority should take measures to ensure that manufacturers and suppliers of machinery, equipment and appliances used in agriculture comply with safety and health standards and provide adequate and appropriate information?

(c) Should the instrument(s) also specify minimum requirements at the enterprise level in areas such as: selection, guarding and maintenance of machinery and equipment?

Total number of replies for clause (a): 83

Affirmative to clause (a): 81. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia,

South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Other replies to clause (a): 2. India, Japan.

Total number of replies for clause (b): 82

Affirmative to clause (b): 77. Algeria, Argentina, Austria, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (b): 3. Azerbaijan, Ecuador, Slovakia.

Other replies to clause (b): 2. India, Japan.

Total number of replies for clause (c): 80

Affirmative to clause (c): 68. Argentina, Austria, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Ireland, Israel, Italy, Kenya, Lebanon, Luxembourg, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (c): 10. China, Islamic Republic of Iran, Jamaica, Japan, Kuwait, Lithuania, Madagascar, Switzerland, Turkey, Uganda.

Other replies to clause (c): 2. Finland, India.

Algeria. Ministry of Agriculture: (a) This constitutes a basic guarantee; yes to (c).
Ministry of the Environment: (a) and (b) It should be clearly established that if they do not comply with safety standards, equipment and machinery should not be put on the market; yes to (c), minimum criteria are necessary at enterprise level in areas such as selection, guarding and maintenance of machinery and equipment.

CAP: (a) This is the objective of both the Convention and Recommendation; (b) attention should be centred on the origin of the machinery itself; yes to (c), a minimal approach which could develop would be more appropriate.

Argentina. (a) To be progressively applied.
UATRE: Yes, but standards need to be specified.

Australia. ACCI: Yes to all.

Azerbaijan. ATUC: Yes to (a), (b) and (c) since most serious accidents occur during the operation of agricultural machinery.

Barbados. BEC and BWU: Yes to all.

Belgium. CNT: In cases in which national or international standards exist, the employer must respect those which provide the greatest guarantee of workers' well-being, whilst complying with the regulations in force concerning prevention.

Botswana. BFTU: Yes to (a), outdated machinery that may cause safety and health hazards to workers should be avoided; yes to (b), this should help ensure there is no dumping of old technology on developing countries; no to (c), this might open doors for importing reconditioned machinery which could be discarded within a short period and raise the problem of dumping.

Brazil. (a) Safety devices should be required at all levels, from production to use; (b) training should be compulsory and responsibilities in this area defined.
CNT: No to (c).

Canada. (a) The addition of "including, where appropriate, reference code-based standards", after "standards", would take account of the role of non-binding codes of practice in providing appropriate guidelines. (b) The competent authority should provide appropriate information about requirements specified under (a). In (c), the meaning of the term "selection" should be clarified; it should apply only to safety and health, and not marketplaces. Add a new clause (d): "the instruments should provide that every employer shall ensure that the machinery, equipment and appliances used by the employees in the course of their employment meet prescribed safety standards and are safe under all conditions of their intended use". This would underline the employer's responsibilities to ensure that the machinery, equipment and appliances continue to comply with safety and health standards and that adequate and appropriate information is supplied, after the machinery, etc., has been purchased from the suppliers and manufacturers.
CLC: (a) National laws and regulations should ensure that the public is purchasing and using a product that is safe; (c) capacities and optimum machine speeds should be made available.

China. (a) Safety and health standards with respect to machinery may be formulated by each country in accordance with its level of technical development; (c) minimum standards may be set by each country, according to its level of productivity development. It is not appropriate to do this across the board.

Colombia. SAC: No to (b).

Croatia. State Inspectorate: (a) The authorities should make provisions so that imported and locally-produced machines comply with safety standards.

Cyprus. (a) Safety and health standards should be specified. (b) The information to be provided by manufacturers and suppliers should include information on the risks concerning not only the use, but also the mounting, dismantling and maintenance of machinery, in the

language which is usually used in each country — and which, in any case, is comprehensible to the employers and workers involved. (c) In the Recommendation.

Denmark. (c) The Convention should lay down minimum and general safety requirements on the use of machines.

Ecuador. (b) To date the Government does not have the capacity to implement such measures; (c) in the Recommendation.

Egypt. (b) Yes, to take into account changes in international economic systems and international conventions, but with prior notice; (c) as minimum conditions.

FETU: (a) and (b) Yes, if these provisions apply to domestic and imported equipment and appliances; (c) the Recommendation should contain the maximum conditions that should — preferably — be attained gradually.

France. CFTC: No to (c).

MEDEF: (a) The compulsory standard would seem to be necessary; (b) this is an issue considered major for the user enterprises; (c) these requirements might be accepted in a Recommendation.

Germany. BDA: Yes to (a) and (b); no to (c).

Ghana. Labour Department: Yes to all.

Hungary. National Health Office: (c) The application of this provision in the case of individual producers is not feasible.

India. This should be left to the national laws and regulations.

Iraq. GFTU: Yes to all.

Jamaica. SPFJ and JCTU: Yes to (c).

Japan. (a), (b) and (c) Yes, as long as it is left to the individual country.

Lebanon. (c) Minimum requirements should be defined and placed in the Recommendation.

ACCIA: No to (c); (b) this is desirable but should be left to the country concerned; (c) no, because it should be determined by the parties concerned directly with this question.

Lithuania. (c) This is specified in other laws on safety and health at work.

Madagascar. Minimum safety criteria should be specified and it should be left up to the enterprises to take the corresponding action.

Malawi. MCTU: Yes to all.

Mali. (a) Yes, to avoid the fraudulent import of machinery and appliances which are not up to standard; (b) this obligation might also extend to importers of machinery, equipment and appliances.

Malta. (b) The instrument should define criteria for the competent authority. Adequate and appropriate information is always helpful; (c) if such requirements are backed up with national laws, then they should be enforced.

Mexico. (c) Risk assessment measures to select the adequate protection and maintenance of the equipment.

Morocco. (c) In the Recommendation.

Mozambique. (c) This would make it possible to standardize preventive measures in agricultural undertakings.

New Zealand. Questions 24-30 deal with a range of hazards but do not deal with all agricultural hazards; details such as those listed could be included in a Recommendation. The national strategy for agriculture includes a critical factors' chart to supplement the agricultural guidelines.

NZCTU: For Questions 24-30, the specific matters should be included in a Recommendation. It is hoped that the drafting of the Convention can deal with the tension of allowing ratification by countries with general framework legislation without removing minimum international standards on specific hazards.

Pakistan. (a) and (b) According to national conditions.

Philippines. AMMMA-KATIPUNAN: (b) Competent and authorized persons from trained agricultural groups and from different organizations and institutions may be able to provide guidance and information; (c) it is the responsibility of an individual or group to manage in every area at enterprise level.

Portugal. CCP: No to (c).

Russian Federation. (a) More than half of all accidents recorded in the agricultural sector involve machinery; (c) about 10 per cent of all fatal accidents recorded every year in the Russian Federation involving machinery are the result of a lack of safety devices and 8.5 per cent of such accidents are caused by inadequate maintenance.

Slovakia. (a) Include the certification by the state institute testing agricultural machines, tools and appliances. (c) In the Recommendation.

South Africa. BSA: Yes to (a) and (b); no to (c), an international labour instrument does not lend itself to prescribe technical requirements: this should be left to experts in the field.

Spain. (b) In the Recommendation.
ASAJA: No to (c).

Switzerland. USP/SBV and USS/SGB: Yes to (c).

Turkey. Yes to (c).

Uganda. (a) Some appliances which are ergonomically unsuitable have been dumped in developing countries; (b) prior to shipment; (c) if this is already done at the national level, then compliance at the enterprise level will be easy.
FUE: Yes to (c).
KSW: Yes to (c); (a) and (b), machinery and equipment which comply with safety and health standards reduce accidents.
TMTC: (c) Yes, on the basis of national laws.
UNFA: Yes to (c); (b) this would easily be implemented by involving the Bureau of Standards which should ensure the specifications.
UTA: Yes to (c), continuous training is required by users.

United Kingdom. (a) This requirement is based partly on a risk assessment approach; (b) if by competent authority it is meant the inspection service referred to in Questions 13 and 15, the answer is yes; (c) yes, but the Convention should set out the broad requirements based on a risk assessment approach. Detailed requirements should be provided by relevant national or international standards and guidance.

United States. USCIB: No to all.

Since almost all the replies received from member States were affirmative, the Proposed Conclusions were drafted accordingly. The provisions of Questions 24 and 25 were grouped for consistency and certain detailed provisions were replaced with a broader provision *(Points 12, 13 and 30)*.

Qu. 25 *Should the instrument(s) provide that:*

(a) dangerous machinery such as tractors and harvesters should be operated only by trained, competent and authorized persons?

(b) no person should be transported with agricultural machinery not designed for human transportation?

Total number of replies for clause (a): 83

Affirmative to clause (a): 78. Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Kenya, Kuwait, Lebanon, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (a): 2. Algeria, Estonia.

Other replies to clause (a): 3. India, Japan, Lithuania.

Total number of replies for clause (b): 84

Affirmative to clause (b): 73. Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Lebanon, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela.

Negative to clause (b): 8. Algeria, Croatia, Islamic Republic of Iran, Kuwait, Pakistan, Saint Lucia, Thailand, Viet Nam.

Other replies to clause (b): 3. Finland, India, Lithuania.

Algeria. Ministry of Agriculture and CAP: Yes to all.
Ministry of the Environment: The transport of workers on agricultural machinery should be banned.

Argentina. UATRE: (a) Yes to trained and competent persons but use the term "certified" persons rather than "authorized"; (b) yes, especially the prohibition of children using such transport.

Australia. ACCI: Yes to all.

Austria. (a) This should also be interpreted to mean adequate and documented instruction.
PKLK: (a) Appropriate instruction should be sufficient; (b) yes.

Barbados. BEC: Yes to all.
BWU: Yes to all; (b) the employer should provide adequate transport across fields, or from one field to the next, in the correct mode for transporting passengers; if this were the case, accidents such as falls resulting in serious injuries or death would be non-existent.

Botswana. BFTU: Yes to all; there have been recorded accidents caused by untrained persons operating machinery and injuries incurred as a result of people being transported by such machinery.

Canada. CLC: Machine fatalities contribute to most of the deaths in North America and probably around the world.

Cyprus. (a) Provided that the term "authorized persons" refers to persons having the necessary licences as required by national laws or regulations.

Czech Republic. CACC: No to all.

Denmark. It is sufficient that operators of dangerous machinery are competent persons; this might include training and authorization in accordance with national legislation and practice.

Ecuador. In the Recommendation.

Finland. (a) An authorization (system) may not be necessary when operating machines within the farm; (b) safe transport is the most relevant aspect, not always the design.
FAE: No to (b).

France. MEDEF: Between theory and practice, there are many situations which are less evident; these provisions should therefore be developed in a Recommendation.
CFTC: No to (a), or there should be regulations that fixed seats, as well as protective devices, should be provided for by the manufacturers.

Germany. "Trained" and "competent" must be defined; their concomitant use is not possible. The notion of "instruction" should be introduced.
BDA: No to all.

Ghana. TUC: No to (b); this should be left to internal regulations.

India. This should be left to national laws and regulations.

Iraq. GFTU: Yes to all.

Japan. (a) Should be left to the individual country.

Kenya. COTU: Both these provisions will reduce agricultural accidents.

Lebanon. With reference to the minimum age of employment as provided for under national regulations.

Lithuania. This is provided for in other laws on safety and health at work. Should it be repeated separately for agriculture?

Malawi. MCTU: Yes to all.

Malaysia. MAPA: No to (b), the particularities of the workplace need to be taken into consideration.

Mexico. Both provisions are relevant. (a) Define "trained", "competent" and "authorized" as a large proportion of the population engaged in agriculture has a low level of education.

New Zealand. See Question 24.

Norway. (b) Yes, but the transportation of persons on tractor trailers or rear-mounted transport boxes should be permitted under certain conditions.
NHO: Ideally speaking, yes. However, it would be difficult to comply fully with such a provision internationally which should, therefore, be in a Recommendation.

Pakistan. Clause (b) will cause a transportation problem — which will be even more acute in the rural areas of developing countries.

Russian Federation. About 9.5 per cent of all fatal accidents involving machinery recorded in the Russian Federation are the result of inadequate training; 2.2 per cent of such accidents are caused by failure to observe regulations regarding the transportation of persons.

Saint Lucia. (a) Yes, through a certification programme, where necessary.

Slovakia. Yes, in the Convention.

South Africa. BSA: Yes to all, but in (b) replace the word "designed" by "suitable".

Spain. In (a), according to national law and practice.

Sri Lanka. Both employer and employee should be made responsible for the contravention of these requirements.

Togo. All these bans should be strictly observed by the employers and workers.

Turkey. TÜRK-IS: Yes; (a) the term "authorized persons" should be replaced by "certified persons".

Uganda. Such unwarranted use has already caused too many accidents.
TMTC: (a) Yes, on the basis of national laws; no to (b).
UNFA: No to (b).
UTA: Yes, disciplinary actions should be taken in the case of violation of those provisions.

United Kingdom. (a) Such training should be provided by the employer or the self-employed person. (b) Yes, however, the use of agricultural equipment specifically designed or adapted for the carrying of persons should not be prohibited (e.g. tractors with passenger seats where the seat and cab are designed to provide adequate safety).

United States. USCIB: No to all; requiring that machinery can only be operated by trained personnel will disproportionately and adversely impact sole agricultural proprietors and small farmers who may not have the financial resources to obtain training.

See commentaries after Question 24.

Should the instrument(s) specify that the employer(s) should organize the work in such a way as to provide workers with regular rest breaks or alternation of tasks in order to reduce workload and fatigue? **Qu. 26**

Total number of replies: 83

Affirmative: 74. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Islamic Republic of Iran, Ireland, Israel, Italy, Kenya, Lebanon, Lithuania, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, Sri Lanka, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative: 5. Jamaica, Kuwait, Luxembourg, South Africa, Switzerland.

Other replies: 4. Canada, India, Japan, Spain.

Algeria. The organization of work and the way in which it is divided up should take account of workload, fatigue, alternation of tasks, etc.
CAP: No, it is up to the enterprise to organize these aspects.

Argentina. To be taken into account when technology does not reduce fatigue.
UATRE: Yes, but referring to the regulations to apply.

Australia. ACCI: Yes, job rotation should be implemented.

Austria. A specific minimum period for breaks, as well as daily and weekly rest together with maximum limits on daily and weekly working time, should be established.

Barbados. BEC: No, in small island States this provision is almost impossible to implement.

Belgium. Account should be taken of certain climatic or harvesting conditions.
CNT: This issue might be dealt with in the wider context of labour organization and working conditions in general.

Botswana. BFTU: In some specific areas.

Brazil. The minimum period for breaks should be defined by the country.
CNT: No, this is already in national law.
FUNDACENTRO: Rest periods should be considered as working time.

Bulgaria. The instrument should provide for making an exception during intensive seasonal work, given the specific nature of some agricultural tasks.

Canada. In the Recommendation. This would recognize that standards, legislation, collective agreements and other arrangements may vary in this regard. There is also a need to take into account the frequently seasonal and weather-dependent nature of agricultural operations.

CLC: Yes, especially in repetitive work settings such as canneries, packing houses, nurseries and greenhouses.

China. In the Recommendation.

Colombia. SAC: This already applies in the country and also concerns rural workers.

Croatia. State Inspectorate: These measures are very rational and useful not only from the point of health hazards but also with consideration to possible injuries.

Cyprus. This provision should be included in the Recommendation.

El Salvador. Yes, to reduce fatigue and evaluate and improve workers' production.

France. MEDEF: Yes; however, such an unqualified reply to the question should not make us forget that this honourable intention is not always possible depending on the activity.

Germany. BDA: No.

Ghana. Factories Inspectorate: Fatigue adversely affects physical well-being and results in a lack of concentration and the mishandling of controls — and consequently accidents at work.
Labour Department: Yes, to reduce stress and fatigue.

Guatemala. Rest reduces accidents and ill-health.

Hungary. National Health Office: The application of this provision is not feasible in the case of individual producers.

India. This should be left to the national laws and regulations.

Iraq. GFTU: Yes.

Jamaica. SPFJ and JCTU: Yes.

Japan. Yes, on the understanding that the specific methods for the organization of the work are determined by national regulations in the individual country.

Kenya. COTU: This is necessary due to the heavy workload associated with agriculture, including adverse climatic conditions.

Kuwait. This should be left to the national legislation in each State.

Lebanon. Within established rules and regulations.

Malawi. MCTU: Yes, these are surely some of the basic needs and requirements of a worker.

Mali. This provision is vital to production and productivity.

Malta. Workloads should not cause fatigue; otherwise workers could unintentionally or intentionally break for rests and there are associated risks.

Mauritius. This will depend on the nature and amount of the work.

Mexico. According to the possibilities of the enterprises and workers' capacities.

Mozambique. Ministry of the Environment: No, differences of opinion on these matters were raised during consultations; however, our workers are not specialized in all work processes.
SINTAF: Yes.

New Zealand. See Question 24.

Pakistan. Since most agricultural work is seasonal in nature, it is advisable to provide regular rest breaks or alternation of tasks in order to ensure the health and productivity of workers.

Philippines. AMMMA-KATIPUNAN: Oriented and organized work is the basis of cooperation and coordination in an agricultural workplace.

Portugal. CCP: No.

Russian Federation. Fatigue, especially when there are no adequate breaks between shifts, increases the risks of injury and illness among workers.

Singapore. A work-rest system is necessary for heavy physical work or work under certain adverse environmental conditions (e.g. extreme heat).

Slovakia. In the Recommendation.

South Africa. This will depend on the task. A minimum rest period, which complies with internationally accepted standards, should be set and the workers and employers should be left to utilize this in the most effective way. This could be included in a Recommendation.

BSA: No, rest breaks are normally dealt with by national labour laws and practices and need not be covered by an international instrument.

Spain. Only when there is an overload; in many cases this provision concerns national conditions.

ASAJA: Yes.

Switzerland. USP/SBV and USS/SGB: Yes.

Uganda. With regular advice and encouragement from the competent authority which points out obvious advantages; this should not merely be enforced.

FUE, KSW and UTA: Fatigue is a major contributor to accidents in agriculture.

TMTC: No, the instrument should not be concerned with work schedules.

UNFA: Yes, this would be a healthy development which should motivate the workers for more productivity.

United Kingdom. It is suggested that the Convention follow the requirements of the United Kingdom Working Time Regulations (1998) based on a directive on the organization of working time. These set a certain limit for rest breaks at work for workers but allow flexibility for local working arrangements based on agreements between employees and employers.

United States. USCIB: No, the question of work-relatedness to so-called ergonomic injuries is still open and a subject of great controversy in the United States.

The majority of the replies received from member States were affirmative. Specific reference to measures to avoid fatigue and excessive workload was not made, taking into consideration that the health surveillance system and the risk assessment would identify such factors and that appropriate preventive measures would be implemented *(Point 27)*.

Qu. 27

(a) Should the instrument(s) provide that the competent authority, after consulting the most representative organizations of employers and workers concerned, establish safety and health requirements concerning the manual transportation of loads?

(b) If yes, should the instrument(s):

(i) cover the principle that no agricultural worker shall be required or permitted to transport manually a load which is a risk to health or safety?

(ii) also specify minimum safety and health requirements in such areas as transportation techniques, mechanical and technical devices, training and protective equipment?

Total number of replies for clause (a): 82

Affirmative to clause (a): 69. Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Kenya, Kuwait, Lebanon, Madagascar, Malaysia, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovenia, South Africa, Sri Lanka, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Uganda, Ukraine, Venezuela, Viet Nam.

Negative to clause (a): 9. Ecuador, Japan, Lithuania, Luxembourg, Mali, Slovakia, Switzerland, Turkey, United Kingdom.

Other replies to clause (a): 4. Canada, India, Norway, Spain.

Total number of replies for subclause (b)(i): 80

Affirmative to clause (b)(i): 61. Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Cape Verde, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Islamic Republic of Iran, Ireland, Israel, Kenya, Lebanon, Madagascar, Malaysia, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, South Africa, Sri Lanka, Syrian Arab Republic, Togo, Uganda, Ukraine, Venezuela, Viet Nam.

Negative to clause (b)(i): 15. China, Croatia, Ecuador, Italy, Jamaica, Kuwait, Lithuania, Luxembourg, Mali, Slovakia, Slovenia, Switzerland, Thailand, Turkey, United Kingdom.

Other replies to clause (b)(i): 4. Canada, India, Norway, Spain.

Total number of replies for subclause (b)(ii): 80

Affirmative to clause (b)(ii): 62. Argentina, Austria, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Cape Verde, Colombia, Costa Rica, Croatia, Cuba,

Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Lebanon, Madagascar, Malaysia, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, South Africa, Sri Lanka, Syrian Arab Republic, Thailand, Togo, Uganda, Ukraine, Venezuela, Viet Nam.

Negative to clause (b)(ii): 13. Azerbaijan, China, Ecuador, Kenya, Kuwait, Lithuania, Luxembourg, Mali, Slovakia, Slovenia, Switzerland, Turkey, United Kingdom.

Other replies to clause (b)(ii): 5. Canada, Ghana, India, Norway, Spain.

Algeria. Ministry of Agriculture: Yes to all.

Ministry of the Environment: Yes to all; (a) the manual transportation of loads should also be established in accordance with health and safety criteria; (b) workers should be sufficiently trained and provided with protective equipment.

CAP: Yes to all; (a) these criteria should not be too rigid or their application too strict; (b) if this is possible in practice, because the criteria upon which this assessment will be based have yet to be determined.

Argentina. UATRE: Yes, but referring to the regulations to apply.

Australia. ACCI: Yes to all; (b) the instruments should include a risk assessment of the manual load before transportation occurs.

Austria. PKLK: (a) EU law already includes detailed provisions; no to (b)(i) and (b)(ii).

Azerbaijan. ATUC: Yes to (b)(ii).

Barbados. BEC and BWU: Yes to all.

Botswana. BFTU: Yes to all; (a) the distance must be taken into account; (b) distance and minimum load mass must be specified.

Brazil. (a) Specify maximum weight to be carried by women, young workers and male adults.

Canada. The Convention should address the requirements of manual materials handling. However, the specifics of (b)(ii) are more appropriate in a Recommendation.

CLC: Yes to all.

China. (b) It is not necessary to prescribe in such concrete terms; provisions can be made by each country in accordance with its national conditions.

Colombia. SAC: No to (b)(i) and (b)(ii).

Croatia. State Inspectorate: No to all.

Cyprus. (b) The detailed safety and health requirements in clause (b) should be included in a Recommendation.

Ecuador. This is already covered by Convention No. 127.

Finland. (b)(ii) In the Recommendation.

France. MEDEF: No to all.

CFTC: No to (b)(i).
FGA and CFDT: No to (b)(ii).

Germany. DGB: (a) "the most representative organizations of employers and workers concerned" should be underlined.
BDA: No to all.

Ghana. Factories Inspectorate: (a) to prevent musculoskeletal disorders; (b)(i) these are necessary to promote occupational health and safety in relation to machinery and ergonomics; no to (b)(ii).
TUC: (b) Unions and employers should not agree on risks allowances in respect of (b)(i).

India. To be left to national laws and regulations.

Iraq. GFTU: Yes to all.

Jamaica. SPFJ and JCTU: Yes to (b)(i).

Japan. (a) This should be left to the individual country.

Lebanon. (a) It is necessary to take into account the internationally established standards for lifting and carrying loads; (b)(i) the employer should instruct workers on the best way to transport loads manually so as they do not take risks for their health and safety; (b)(ii) in the Recommendation. It should also provide for sound sitting positions and compliance with international regulations on exposure to noise and vibration.

Madagascar. (b) This should be in the form of a Recommendation.

Malawi. MCTU: Yes.

Malaysia. (b)(i) Provision for this is in national law and should be extended to the agricultural sector.

Mali. (a) No, to avoid overloading the instruments.

Mauritius. MEF: (a) Yes, in order to tackle the highly recurrent problem of backache and associated injuries.

Morocco. (b)(ii) In the Recommendation.

New Zealand. See Question 24.

Norway. This question should be viewed in conjunction with the European Council Directive 90/269/EEC on the minimum health and safety requirements for the manual handling of loads where there is a risk particularly of back injury to workers.

Philippines. AMMMA-KATIPUNAN: (b) The Organization fully recommends the covering of (b)(i) and (b)(ii) to ensure that agricultural workplaces are safer and healthier.
ILS: No to (b)(i).

Portugal. CCP: No to (a), (b)(i) and (b)(ii).
CAP: No to (b)(i) and (b)(ii).

Russian Federation. (a) In the Russian Federation, the health and safety criteria for assessing working conditions are based on hazard and risk indicators including indicators relating to loads to be carried; (b) standards should be binding for both employers and workers.

Slovakia. (a) This is already regulated by Convention No. 127.

South Africa. BSA: No to (b)(i) and (b)(ii); (a) in a Recommendation; (b)(i) the suggested principle will not be suitable for its practical implementation. Even if such a load is transported by a vehicle to the point of application, manual transportation, even if only for a few metres, will be necessary to take manually the load to the implement used. (b)(ii) Bearing in mind the

various levels of technical development in agricultural production which could be quite primitive in certain countries — and highly sophisticated in other countries — an international instrument specifying minimum safety and health requirements in such areas may not be the most suitable way to handle the problem.

Spain. (a) The employer should take the necessary technical and organizational measures to avoid manual handling; see Questions 26 and 27(a). (b)(i) is too restrictive.

ASAJA: Yes to (a) and (b)(i); no to (b)(ii).

Sri Lanka. The workers' right to refuse to carry out duties in the absence of compliance with these provisions should be protected.

Switzerland. USP/SBV and USS/SGB: Yes to all.

Uganda. (a) There should also be advice on maximum loads which may be carried safely.

FUE: No to (b)(i) and (b)(ii); (b) this will not be applicable in developing countries where most of the transportation of loads is still done manually.

KSW: Yes.

TMTC: No to all; (a) this should be under another instrument because manual transportation is a common feature — even in other industries.

UTA: (a) Yes, maximum weight or limits in terms of kilograms should be set concerning loads; (b) enterprise policy should be clear on the above.

United Kingdom. (a) The Government would strongly support some provision on manual transportation of loads but not the approach as envisaged, which puts undue emphasis on the weight and characteristics of the load. There are other contributing factors such as the demand of task and the working environment. Load handling and transportation in the agricultural industry do not take place in a controlled and controllable environment with good access and homogenous packaging. Whilst there is considerable scope for mechanical solutions to material handling problems, many tasks, particularly those concerned with livestock, cannot be avoided. (b) No, see Question 27(a); in practice, there are many tasks in the industry which for reason of access, shape, etc. (e.g. livestock handling and lifting) cannot be avoided and require a risk assessment approach.

TUC: Yes to (a) and (b)(ii).

United States. USCIB: No to all.

Venezuela. (a) Taking into account Convention No. 127; (b)(ii) taking into account the characteristics of agricultural machinery.

Since the great majority of the replies received from member States was affirmative, the Proposed Conclusions were drafted accordingly, but without specifying the minimum requirements, in order to provide flexibility to member States *(Point 14)*.

Construction work on farms

Should the instrument(s) provide that the employer(s) should ensure compliance with national laws and safety standards when constructing, maintaining or repairing buildings, installations, rails or fences? **Qu. 28**

Total number of replies: 80

Affirmative: 73. Algeria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative: 5. Austria, Czech Republic, Hungary, Slovenia, Thailand.

Other replies: 2. Argentina, India.

Algeria. The standards drawn up for this work should be respected.

Australia. ACCI: Yes.

Austria. This is a provision in national legislation; consequently, related ILO provisions are not required.
PKLK: No; in any event, national texts have to comply with this.
LAKT and ÖGB: Yes.

Barbados. BEC and BWU: Yes.

Botswana. BFTU: Yes.

Canada. CLC: The greater the hazard of the occupation, the more important these design issues become.

China. Provisions regarding construction must be complied with by everyone with no exception for agricultural employers.

Croatia. State Inspectorate: No, this has already been stipulated in the regulations on safety measures in working and auxiliary premises and places.

Czech Republic. TUWAF: Yes.

Georgia. This is provided for by legislation.

Germany. BDA: Yes.

Ghana. Factories Inspectorate: Yes, farms have the same potential sources of hazards as other occupations for which standards have been provided by national laws.

Guatemala. Employers should comply with international law, particularly in these sectors which have considerable hazards for workers.

Hungary. National Health Office and workers' organizations: Yes.

India. To be left to national laws and regulations.

Jamaica. SPFJ and JCTU: Yes.

Lebanon. With the addition of the words "and the like" after the word "fences".
ACCIA: This is already applied by many countries.

New Zealand. See Question 24.

Pakistan. At least minimum safety standards should be ensured.

Singapore. This question may not be relevant in agricultural work.

South Africa. BSA: No, the responsibility for safety standards in construction is normally vested in the local authorities.

United Kingdom. The instruments should seek to ensure national standards are met for construction work given the high risk associated with construction activities. However, a distinction needs to be drawn between construction work carried out solely by the owner himself or herself on purely domestic property associated with farm holdings (which should not be covered) and that connected with works carried out on buildings/installations linked to the agricultural or industrial activity. It would be appropriate to include rails and fencing so as to ensure existing national standards are maintained (e g. for the fencing of slurry pits).

United States. USCIB: No.

Since the great majority of the replies received from member States was affirmative, the Proposed Conclusions were drafted accordingly *(Points 17 and 32)*.

Silos, pits, cellars and tanks

Qu. 29

(a) Should the instrument(s) provide that national laws and regulations should prescribe safety and health requirements for the various confined spaces relevant to agriculture such as silos, pits, cellars, tanks and similar structures?

(b) If yes, should the instrument(s) specify minimum safety and health requirements concerning those confined spaces?

Total number of replies for clause (a): 81

Affirmative to clause (a): 77. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Ireland, Israel, Italy, Japan, Kenya, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Syrian Arab Republic, Thailand, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (a): 3. Islamic Republic of Iran, Kuwait, Switzerland.

Other replies to clause (a): 1. India.

Total number of replies for clause (b): 79

Affirmative to clause (b): 71. Austria, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Ireland, Israel, Italy, Kenya, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Syrian Arab Republic, Thailand, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (b): 7. Algeria, Azerbaijan, China, Ecuador, Japan, Kuwait, Switzerland.

Other replies to clause (b): 1. India.

Algeria. No to (b).
Ministry of Agriculture and Ministry of the Environment: Yes to all.
CAP: (a) Yes, these criteria are easily identifiable; (b) yes, those concerning ventilation and the physical safety of workers should be specified.

Argentina. UATRE: Refer to standards to be applied.

Australia. ACCI: Yes to all.

Azerbaijan. ATUC: Yes to (b).

Barbados. BEC: Yes to all.
BWU: (b) Provision for adequate ventilation should be made, so that the build up of toxic oxides is kept at a minimum.

Botswana. BFTU: (a) There should be two or more workers at the same time in all confined or isolated places.

Brazil. (a) Highlight the use of protective equipment and the fact that such activities should not be carried out by a person alone.
CNT: No to (b).

Bulgaria. (a) It is necessary to add: canalization for faecal waste and other matter used in stockbreeding.

Canada. (b) In a Recommendation.

China. (b) Over-detailed provisions are not necessary; this can be defined by each country according to its situation.

Colombia. SAC: No to (b).

Croatia. State Inspectorate: (a) Yes, Croatia has a high death rate among workers entering silos, caused by suffocation from carbon dioxide or the collapsing of stored goods; (b) no, this has already been stipulated in national regulations.

Cyprus. (b) In the Recommendation.

Czech Republic. The listing of these requirements is useful because there have been several fatal accidents in such places (especially as a result of lack of oxygen).

Ecuador. (b) In the Recommendation.

Egypt. FETU: (b) Yes, but provided that the proposed Recommendation contains maximum limits that might be gradually attained.

France. CFTC: (a) Yes; serious or fatal accidents occur too frequently in silos, pits, cellars, etc.; (b) indispensable.
MEDEF: (b) In the Recommendation.

Germany. BDA: Yes to (a); no to (b).

Ghana. Factories Inspectorate: (b) These can practically be quantified.
Labour Department: Yes to all.

India. To be left to national laws and regulations.

Iraq. GFTU: Yes to (a); no to (b) as this depends on the national available capacities.

Japan. (b) To be left to the individual country.

Kuwait. To be left to national legislation.

Lebanon. (b) In the Recommendation.
ACCIA: No to all; (a) the instrument should be limited to safety and health in agricultural production, husbandry and fisheries only.

Madagascar. (b) In the Recommendation.

Malawi. MCTU: Yes to all.

Morocco. (b) In the Recommendation.

New Zealand. See Question 24.

Norway. Yes, it would be sufficient for silos, pits, cellars and tanks in agriculture to be in compliance with general, national safety standards for buildings.

Portugal. (b) In the Recommendation.

Russian Federation. (a) About 1 per cent of all fatal accidents recorded in the agricultural sector in the Russian Federation each year result from work in confined spaces; (b) the instruments should specify minimum requirements.

Singapore. (a) The proposed instrument should address the issue of hazards in confined spaces and ways to prevent them; (b) the instrument should specify such requirements as adequate ventilation and testing of confined spaces.

South Africa. (a) Yes, but these regulations might not necessarily be specific only to agriculture.
BSA: No to (b); such prescriptions are too technical to be included in an international instrument and should be left to Members to specify, after consultation with representative bodies of employers and workers and in accordance with national law and practice.

Sri Lanka. To be left to member States.

Switzerland. USP/SBV and USS/SGB: Yes to all.

Syrian Arab Republic. (b) Protection rules must take into account ergonomic principles and standards.

Thailand. Ministry of Agriculture: (b) Those confined spaces should be far from working sites, be strongly built and regularly maintained.

Uganda. KSW: (b) Employers with limited resources should at least meet the minimum safety and health requirements.

TMTC: No to (b); specifications are determined by national laws on the basis of environmental factors such as weather and terrain.

United Kingdom. (b) In respect to access, yes.

United States. USCIB: No to all.

Since the great majority of the replies received from member States was affirmative, the Proposed Conclusions were drafted accordingly, but without specifying the minimum requirements, in order to provide flexibility to member States *(Points 17 and 32)*.

Animal handling

Qu. 30 *(a) Should the instrument(s) provide that national laws and regulations should prescribe safety and health requirements concerning animal handling activities?*

(b) If yes, should the instrument(s) specify minimum safety and health requirements in such areas as veterinary control, immunization, protective clothing and equipment, contact with poisonous animals?

Total number of replies for clause (a): 82

Affirmative to clause (a): 76. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Ireland, Israel, Italy, Kenya, Kuwait, Lebanon, Lithuania, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Syrian Arab Republic, Thailand, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative to clause (a): 5. Ecuador, Islamic Republic of Iran, Japan, Luxembourg, Switzerland.

Other replies to clause (a): 1. India.

Total number of replies for clause (b): 81

Affirmative to clause (b): 72. Argentina, Austria, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Ireland, Israel, Italy, Kenya, Kuwait, Lebanon, Lithuania, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Thailand, The former Yugoslav Republic of Macedonia, Togo, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative to clause (b): 8. Algeria, Azerbaijan, China, Ecuador, Japan, Luxembourg, Switzerland, Turkey.

Other replies to clause (b): 1. India.

Algeria. Ministry of Agriculture: Yes to (b).
Ministry of the Environment: Yes to (b).
CAP: (a) No, only concerning zoonoses and physical hazards, specifying the hazards actually involved; no to (b).

Argentina. UATRE: Reference should be made to the standards to be used.

Australia. ACCI: Yes to all.

Austria. PKLK: No to all.

Barbados. BEC: Yes to (a), no to (b).
BWU: Yes to all, but there should be reference to the standards to be used.

Botswana. BFTU: (a) Appropriate protective gear should be supplied.

Brazil. (a) Yes, including measures to prevent the zoonoses with the highest incidence in each region; (b) workers involved should be qualified for the task.

Bulgaria. (b) Minimum criteria should be provided for veterinary specialists.

Canada. In a Recommendation.

China. (b) This should be provided for in each country.

Colombia. (b) Taking into account zoonoses.
SAC: No to (b).

Costa Rica. Anything connected with animals should be treated as biological agents and therefore included, as several forms of production use animals (oxen, horses) to prepare and sow the land.

Croatia. State Inspectorate: No to (a).
UAFPTIW: (b) Yes.

Cyprus. (b) This should be included in a Recommendation.

Ecuador. No, this concerns the FAO.

Egypt. FETU: Yes to all, provided that the Recommendation contains maximum limits to be attained gradually.

Finland. Clauses (a) and (b) should be in the Recommendation; (b) consulting with the most representative organizations of workers, employers and the self-employed is necessary.

France. MEDEF: Yes to all; (b) see Question 29(b).

Germany. BDA: Yes to (a), no to (b).

Guatemala. (b) Personal protective equipment and training should be specified.

India. This should be left to national laws and regulations. The instrument should be drafted to provide flexibility at the national level.

Iraq. GFTU: Yes to (a), no to (b), see Question 29(b).

Ireland. Yes.

Jamaica. JCTU and SPFJ: Yes to all.

Japan. These items should be left to the individual country.

Lebanon. (b) This should be part of the Recommendation.

Madagascar. (b) This should be in the Recommendation.

Malawi. MCTU: Yes to all.

Malaysia. (a) Provisions for occupational diseases associated with the handling of animals.
MAPA: No to all.

Mali. (a) Especially in stockbreeding; (b) this could extend protection to those outside the confines of agriculture.

Malta. (a) Especially when dealing with transfers of animals or quarantines; (b) absolutely necessary to control and prevent zoonoses.

Mauritius. MEF: (b) The instruments should include the incineration of dead, contaminated animals and the disposal of used clothing and equipment.

Mexico. (a) All risks that can be identified should be included; (b) yes, but the specifications should be in the Recommendation.

Morocco. (b) This should be included in the Recommendation.

Norway. See Questions 17 and 18.

Pakistan. (a) Especially in slaughter houses and poultry farms.

Philippines. AMMMA-KATIPUNAN: This must be handled by authorized persons according to national laws.

Portugal. Yes to (b), but the minimum requirements should be in the Recommendation.
CCP: No to (b).

Russian Federation. About 2.3 per cent of all fatal accidents recorded each year in the Russian agricultural sector are connected with animal handling. (b) Minimum standards established by the competent specialist services should be specified.

Slovakia. Yes to (a), in the Convention; (b) these minimum requirements should be in the Convention.

South Africa. BSA: No to all; (a) it is difficult to prescribe safety and health requirements concerning animal-handling activities in the instrument; it might even be a very difficult task in national laws and regulations; (b) the instrument might recommend to formulate the specifications after consultation with the most representative bodies of employers and workers.

Spain. (a) and (b) Yes, the Government could accept general provisions on this matter.

Sri Lanka. (b) Yes, to suit local conditions.

Switzerland. USP/SBV and USS/SGB: Yes to all.

Turkey. HAK-IS: Yes to (b).

Uganda. (b) With the cooperation of the competent authority.
KSW and UNFA: Yes, this would be a good start to prepare full health requirements.
TMTCL: No to all; animal handling is a veterinary matter handled by a separate veterinary instrument.

United Kingdom. (a) Yes, but not prescriptively; animal-handling activities should be covered by the general provisions suggested in Questions 16 and 17 and the prescriptive requirements inferred by Question 30 are not necessary. (b) A risk assessment approach should be used to identify the relevant measures to ensure adequate health and safety in each case; specific minimum requirements would be impracticable given the variety of processes and animals.

United States. USCIB: No to all.

Since the great majority of the replies received from member States was affirmative, the Proposed Conclusions were drafted accordingly. The Office has also drafted complementary provisions as Proposed Conclusions with a view to a Recommendation *(Points 18 and 33)*.

Welfare and accommodation facilities

(a) Should the instrument(s) provide that where the employer(s) make available to workers in agriculture accommodation and welfare facilities, the latter should conform with safety and health standards? **Qu. 31**

(b) If yes, should the instrument(s) specify the minimum safety and health requirements?

(c) Should the instrument(s) also provide that the facilities should be made available by the employers to workers in agriculture at no cost to them?

Total number of replies for clause (a): 83

Affirmative to clause (a): 76. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Dominican Republic, Ecuador, Egypt, El Salvador,

Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Islamic Republic of Iran, Ireland, Israel, Italy, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (a): 2. New Zealand, United Arab Emirates.

Other replies to clause (a): 5. Denmark, India, Malta, Portugal, United Arab Emirates.

Total number of replies for clause (b): 84

Affirmative to clause (b): 72. Algeria, Argentina, Austria, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Islamic Republic of Iran, Ireland, Israel, Italy, Kenya, Kuwait, Lebanon, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative to clause (b): 6. Azerbaijan, China, Japan, Lithuania, Luxembourg, New Zealand.

Other replies to clause (b): 6. Denmark, India, Malta, Portugal, Syrian Arab Republic, United Arab Emirates.

Total number of replies for clause (c): 82

Affirmative to clause (c): 52. Argentina, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Dominican Republic, Estonia, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, Ireland, Israel, Italy, Kenya, Lebanon, Malaysia, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, Norway, Pakistan, Panama, Poland, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, Sri Lanka, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative to clause (c): 21. Algeria, Austria, China, Ecuador, Egypt, Ethiopia, Finland, France, Hungary, Islamic Republic of Iran, Japan, Kuwait, Lithuania,

Luxembourg, Madagascar, Mali, New Zealand, Nigeria, Philippines, Romania, Switzerland.

Other replies to clause (c): 9. Canada, Denmark, El Salvador, India, Malta, Portugal, South Africa, Spain, United Arab Emirates.

Algeria. No to (c); the offer of free accommodation should be made in accordance with the means available.

Ministry of Agriculture: (c) Yes, this might be justified in certain situations.

Ministry of the Environment: (a) and (b) The accommodation must at all costs conform with safety and health standards defined by the instrument; (c) no, it is not compulsory that the employer should provide workers with free accommodation.

CAP: (a) Yes, with minimal standards.

Argentina. UATRE: Yes to all; (a) the instrument should cover sanitary installations, washing facilities, facilities for changing and storing clothes, supply of drinking water, and any other welfare facilities connected with occupational safety and health; (c) yes, including personal protective equipment.

Australia. ACCI: No to all.

Austria. (c) Provision for various components of remuneration (e.g. free board and lodging) should be a matter for collective bargaining partners.

LAKT: Not a safety provision, but one regarding remuneration.

Bahrain. (c) National legislation does not provide that the facilities should be at no cost to the workers, but stipulates that preventive measures and services are to be ensured by the employer if he makes facilities available to workers.

Barbados. BEC: Yes to (a).

BWU: Yes to (a), no to (b) and (c). More than just the minimum requirements should be specified; proper, sanitary housing should be provided as well as a well-balanced diet; there should be a minimum cost for housing facilities, provided that the workers' wages are such that they can afford them.

Belgium. CNT: Yes to (c); free safety and health services and accommodation complying with minimum requirements are justified; accommodation which has a higher level of comfort than these minimum requirements is outside the scope of the instruments.

Botswana. BFTU: (b) and (c), in cases in which the employee builds the facilities, the employer should compensate the employee when he or she leaves the farm.

Brazil. (a) Yes, including outdoor workplaces; (b) including sanitary facilities both in workplaces and accommodation areas.

CNT: No to (c).

Canada. (a) The meaning of "welfare facilities" should be clarified; (b) this should be in a Recommendation; delete (c) or include it in a Recommendation.

CLC: (a) A general standard is good; (b) hygiene, sanitation, washing and shower facilities should be included in the instruments.

China. (a) These provisions should be subject to the employers' free will; (c) this is not attainable for the moment in China.

Colombia. (a) Yes, as, in most cases, workers' housing lacks sanitation and is far from health centres.

SAC: No to (b) and (c).

Cyprus. (b) This should be included in a Recommendation.

Czech Republic. CACC and TUWAF: Yes to all.

Denmark. A distinction should be made between "accommodation" and "welfare facilities"; the Convention should provide that the employer must ensure that workers have access to safety and health welfare facilities at no cost for them. Specific requirements should be included in a Recommendation.

Dominica. WAWU: (b) At least the minimum requirements.

Ecuador. (c) No, as this will be determined by wages and the type of labour relation, and activity, as well as the size and infrastructure of the enterprise.

Egypt. On the basis of the contract concluded between the employer and worker.
FETU: Yes to (c).

El Salvador. (c) This should be left to the employer to decide.

Ethiopia. (b) The requirements should not be stringent; the instrument should take into account the local conditions and capacities of developing nations. (c) This must be handled by an agreement between the two parties.

Finland. (b) This should be in the Recommendation with reference to national laws; (c) this should be agreed upon after negotiations between the two parties.

France. (a) The term "welfare facilities" should be specified; (c) no, a contribution from the employee should be established within limits set by regulations or collective agreements.
MEDEF: (b) Yes, but in a Recommendation; (c) the sanitary equipment should be free, but not the accommodation.

Germany. (c) Yes, up to certain point, unless there is already an agreement.
BDA: Yes to (a); no to (b) and (c).

Ghana. Factories Inspectorate: (c) This is in recognition of the low wage level of agricultural workers.
TUC: No to (c), these should be subject to negotiation between the employers' and workers' representatives.

Hungary. Workers' organizations: Yes to (c).

India. This should be left to national laws and regulations. The instrument should be drafted to provide flexibility at the national level.

Iraq. GFTU: Yes to (a) and (c); no to (b). See Question 29(b).

Jamaica. SPEJ: Yes to (a) and (b); no to (c).
JCTU: Yes to all.

Japan. This should be left to the individual country.

Kuwait. (c) This should be left to national practice.

Lebanon. This should be incorporated in the Recommendation.
ACCIA: (c) These provisions should be left to negotiations between employers and workers.

Madagascar. (b) Yes, in the form of a Recommendation; (c) no, the principle of accommodation being free of charge is questionable.

Malawi. MCTU: Yes to (a) and (c); (b) there is a great need for the instrument(s) to specify the minimum requirements so that there is compliance with the minimum safety and health principles.

Malaysia. (c) Yes, but the employers should be allowed to impose certain conditions to prevent abuse.

MAPA: (c) No, facilities should not be made available at no cost to prevent abuse.

Malta. (a) It should comply with international noise standards; (c) this depends upon whether workers are self-employed or employed in companies or governmental enterprises; waged workers should have access free of charge.

Morocco. Clauses (b) and (c) should be included in the Recommendation.

Mozambique. Ministry of the Environment: No to (c).

New Zealand. (c) No, this question is an industrial relations matter, not a health and safety matter.

NZCTU: Yes to all.

Pakistan. The employers should ensure the minimum safety and health standards; however, the workers should spend some money for their safety and welfare purposes.

Panama. (a) Yes, particularly concerning seasonal workers in harvesting periods.

Philippines. AMMMA-KATIPUNAN: (b) Yes – to be adjustable in flexible situations based on the realities of workplaces; (c) no, this should be agreed upon collectively.

Bureau of Women and Young Workers: (c) employers' and workers' groups should be consulted on this.

PAKISAMA: Yes to (c).

Poland. (c) Yes, these principles should be formulated in a contract between an employer and an employee.

Portugal. (b) Yes, but in the Recommendation; (c) the only justification to provide accommodation free of charge would be the distance between the workplace and workers' households. If such conditions are also found in other sectors, these obligations for agriculture are not justified.

CCP: (c) No, this matter depends on the national labour legislation.

CAP: Yes to (a), no to (b) and (c).

Slovakia. (a) and (b) This should be provided in the Convention; (c) this should be in a Recommendation.

South Africa. (c) This will depend on wages and other benefits that the worker already receives from the employer.

BSA: No to all; (a) strict regulatory measures will discourage the voluntary supply of such facilities; (c) an international labour instrument cannot impose such a duty on employers. It would be impossible to implement and adversely affect the level of ratification.

Spain. (a) The Government could agree upon generic provisions according to law and practice, but not to welfare facilities without knowing the specifications; (b) only concerning accommodation if referred to in a Convention or a Recommendation; (c) according to national law and practice.

ASAJA: No to (c), this is determined by labour relations.

Sri Lanka. (b) The member countries should specify facilities to suit the local conditions.

Switzerland. USP/SBV: Yes to (c).

USS/SGB: Yes to (c), accommodation is no longer a non-controllable component of remuneration.

Syrian Arab Republic: (b) National legislation must be free to determine these conditions and ensure housing conditions similar to those enjoyed by others; (c) yes, free housing must be provided and national legislation must explicitly state this.

Togo: (b) Yes, to serve as a reference; (c) yes, if the worker is living away from home.

Uganda: (b) With emphasis on low-cost solutions; (c) yes.

FUE: No to (b) and (c); this should be left to individual countries.

TMTC: No to all; (a) the standards should be no different from those in other industries.

UNFA: (a) Accommodation provided in the past was similar to animal shelters; minimum standards are important in the early stages, while preparing to comply with full requirements at a later stage — which may be difficult to fulfil now. No to (c), the facilities may be abused if provided free; an element of cost-sharing is recommended.

UTA: (b) Yes, but a national policy is required to prevent abuse and ensure uniformity; no to (c), when workers misuse the facilities they should pay the employers to repair such facilities.

United Arab Emirates: (a) According to a contract concluded between employers and workers; (b) living quarters should be sufficiently remote from the chemical depots and the noise generated by machines and pumps; (c) especially appropriate housing and sanitation.

United Kingdom: (a) Yes, in relation to welfare facilities provided for use during work activities; no, in respect of domestic agricultural accommodation. (b) Yes, but again based on an assessment of risks and needs of the processes carried out.

United States. USCIB: No to all. Farmers in many areas of the United States provide housing as a means of attracting workers for short-term employment. Any further regulation threatens to constrict the employer-provided housing stock by discouraging employer provision of housing, to the detriment of the workers.

Since the great majority of the replies received from member States was affirmative, the Proposed Conclusions were drafted accordingly. The Office has also drafted complementary provisions as Proposed Conclusions with a view to a Recommendation *(Points 21 and 35)*.

Insurance against occupational injuries and sickness

Qu. 32 *Should the instrument(s) provide that workers in agriculture are covered by a scheme of compulsory insurance against occupational injuries and sickness, invalidity and other similar risks providing a protection that is at least equivalent to that enjoyed by workers in industrial undertakings?*

Total number of replies: 82

Affirmative: 77. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador,

Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Islamic Republic of Iran, Ireland, Israel, Italy, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Viet Nam.

Negative: 2. **China, Japan.**

Other replies: 3. **India, Ghana, Nigeria.**

Algeria. In Algeria, the same insurance scheme applies to all sectors.
CAP: Costs must remain bearable.

Australia. ACCI: Yes.

Bahrain. National law covers occupational injuries and diseases for agricultural workers.

Barbados. BEC and BWU: Yes.

Botswana. BFTU: This should be supported by national laws.

Brazil. National legislation should foresee alternatives according to national conditions.

Canada. The self-employed should have a choice (see our comments to Question 8). The term "compulsory" would include situations where the coverage is not automatic but would be subject to its application by the employer. In practice, it would be expected that employers would apply for such coverage since this would protect them from potentially devastating liability claims.

China. No, the matter of insurance depends on the degree of economic development. It is not appropriate for the instrument to have it provided for in a unified way.
ACFTU: Yes, the Government of China has already drawn up such provisions, which could be advocated by the instrument.

Cyprus. Protection could be offered within the state general scheme.

El Salvador. This should be provided by the State.

Ethiopia. The provision should clearly mention that the premium should be covered by the enterprise or the employer.

Finland. Consideration should be given to other relevant Conventions.

France. MEDEF: The insurance should operate even if the employer has failed to register the employee or failed to pay his or her contribution.

Ghana. Factories Inspectorate: No, not all categories of employers in agriculture, especially in developing countries, can afford the scheme envisaged.
Labour Department: Yes, to extend the same scheme from the industrial to the agricultural sector.

Guatemala. Yes, if voluntary and provided by the enterprise.

India. This should be left to national laws and regulations.

Iraq. GFTU: Yes.

Jamaica. JCTU and SPFJ: Yes.

Japan. It is inappropriate to apply such compulsory insurance in a uniform manner to all agricultural workers: if the scheme included all small-scale agricultural operations, the number of operating facilities and labourers to be covered would be enormous; it would also be difficult to calculate costs and adopt the scheme to all categories in order to provide comprehensive coverage.

Kenya. COTU: Yes, at no cost to the workers.

Lebanon. Yes, national laws should define the means of application of the compulsory insurance scheme and implement it gradually according to sectors, persons or categories.
ACCIA: No, this should be left to insurance companies.

Malawi. MCTU: Yes.

Malaysia. In Malaysia, foreign workers and local workers in all sectors are covered under similar insurance schemes.

Malta. Yes, but this would involve extra costs. It should be defined who will bear these costs.

Nigeria. Desirable but would be difficult to implement in developing countries.

Norway. NHO: These provisions would be difficult to enforce by individual country.

Portugal. A compulsory scheme of protection is essential. However, it should not always be a responsibility of the farmer. Many self-employed allow most of the schemes to be financed by the workers themselves.

Slovakia. Convention No. 121 does not specify the branch of agriculture; the new instrument should therefore contain the equivalent protection — which could be ensured by referring to the Convention and providing more details.

Spain. Yes, for the self-employed.

Uganda. Both categories of workers contribute to the economy of the country.

United States. USCIB: No, in the United States this issue is addressed at the state level through workers' compensation coverage.

Venezuela. CODESA: Yes to all.

Since the great majority of the replies received from member States was affirmative, the Proposed Conclusions were prepared including some complementary provisions (*Point 22*).

Qu. 33 *Should the instrument(s) provide that where economic, social and administrative conditions permit, a special insurance scheme should be established for self-employed workers including persons of small means working on their own account in agriculture?*

Total number of replies: 78

Affirmative: 63. Algeria, Argentina, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Ethiopia, Finland, France, Georgia, Germany, Ghana, Guatemala, Hungary, Islamic Republic of Iran, Ireland, Israel, Italy, Kenya, Kuwait, Lebanon, Lithuania, Madagascar, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Slovenia, South Africa, Sri Lanka, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative: 10. Azerbaijan, Croatia, Estonia, Greece, Japan, Luxembourg, Malaysia, Slovakia, Switzerland, Thailand.

Other replies: 5. Austria, Denmark, India, Singapore, Spain.

Algeria. Ministry of Agriculture: Yes.
CAP: Yes, if that is possible and provided that the costs remain reasonable.

Australia. ACCI: Yes.

Austria. As a matter of principle. However, the instrument should not extend to self-employed workers.

Azerbaijan. No, only a system of private insurance contributions.
ATUC: Yes.

Barbados. BEC: Yes.
BWU: Yes, in the event that these persons are injured and cannot work, then they would be able to receive compensation until they can resume work.

Belgium. CNT: It is not clear whether the intention of this question is to impose an obligation on member States to apply legislation to the self-employed or whether this is to be optional. If the intention is to avoid differences in matters of safety and health between the various categories of workers, then family enterprises should be assimilated with the self-employed.

Botswana. BFTU: Yes, but this must be done with caution to avoid false claims or intentional acts that can cause injuries.

Brazil. Family members working in the enterprise should be included.

Canada. In a Recommendation.

China. As long as economic and social conditions permit, a special scheme can be established.

Denmark. The question is vague: yes, if it is a matter of a private insurance scheme, where employers and self-employed are able to insure themselves against sickness, on a voluntary basis. If it is a matter of a scheme which combines private insurance with public support/subsidies, the necessary economic, social and administrative requirements must exist.

Finland. Consultation with the most representative organizations is necessary.

France. MEDEF: Compliance with the obligation to take out insurance must be controlled and approved.

CFTC: This special scheme, if possible based on principles of solidarity and binding, should make it possible to guarantee a minimum income in case of need.

Germany. BDA: Yes.

Ghana. Factories Inspectorate: The special scheme should emphasize the workers' ability to afford it.

Labour Department: Yes, large numbers of workers in the agricultural sector are self-employed.

Greece. This should be contained in the Recommendation.

Guatemala. This will mainly benefit self-employed workers.

India. This should be left to national laws and regulations.

Iraq. GFTU: Yes.

Ireland. Yes. In Ireland, it is not compulsory that self-employed persons should take out insurance on their own health.

Jamaica. JCTU and SPFJ: Yes.

Japan. This should be left to the determination of individual countries.

Kenya. To the extent that the economy allows.

COTU: This would be very useful. COTU suggests a central body under supervision of the Government to provide for the insurance.

Lebanon. The conditions and the date of entry into force should be left to each member State.

Madagascar. The principle of extending social protection applies in Madagascar.

Malawi. MCTU: Yes.

Malaysia. NUPW: Yes.

Mali. If economic conditions permit.

Mauritius. MEF: No.

Mexico. Taking into account differences in the infrastructure of each country, the instrument could include the principles for such a scheme, but not the obligations.

New Zealand. In New Zealand all self-employed workers, who have fluctuations in income, may elect to choose insurance cover which will guarantee a chosen level of income.

Philippines. AMMMA-KATIPUNAN: Yes, because this category is the largest amongst the self-employed in the agricultural sector in the country.

Russian Federation. This may take the form of insurance schemes outside the state system.

Singapore. The answer depends on the national insurance scheme.

Slovakia. Article 3(b) of Convention No. 121 covers this group.

South Africa. BSA: No, a specific scheme for this category would be very costly — the higher the risk the higher the premiums. A national scheme for compensation of occupational diseases and injuries is a better option.

Spain. According to national law and practice.
ASAJA: Yes.

Switzerland. USS/SGB: No, the need for material support should not be underestimated.

United States. USCIB: No, it is very unlikely that, in the majority of cases, the economic, social and administrative circumstances would permit a social insurance scheme in the United States.

Since the majority of the replies received from member States was affirmative, the Proposed Conclusions were drafted accordingly *(Point 22)*.

Information and training

Should the instrument(s) provide that employer(s) should ensure that: **Qu. 34**

(a) adequate and appropriate training and comprehensible instructions on safety and health and on the work assigned are provided to workers in agriculture and their representatives, at no cost to them?

(b) all safety instructions and any necessary guidance are understandable to all workers and, in particular, to the newly engaged or inexperienced workers assigned to a task?

(c) records of hazardous chemicals used in agriculture and chemical safety data sheets are accessible to all workers concerned and their representatives?

Total number of replies for clause (a): 83

Affirmative to clause (a): 81. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative to clause (a): 1. China.

Other replies to clause (a): 1. Ghana.

Total number of replies for clause (b): 83

Affirmative to clause (b): 82. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Other replies to clause (b): 1. Ghana.

Total number of replies for clause (c): 83

Affirmative to clause (c): 77. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Saint Lucia, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, Venezuela, Viet Nam.

Negative to clause (c): 4. Belarus, Madagascar, Russian Federation, Spain.

Other replies to clause (c): 2. Ghana, United Kingdom.

Argentina. UATRE: Include that workers and the community have the right to be informed.

Australia. ACCI: Yes to all.

Austria. (a) The term "training" should be replaced by "instruction"; (c) only to the extent that it is a matter of hazardous chemical substances used in a particular enterprise.

PKLK: The term "training" could be ambiguous and should be replaced by "instruction"; (c) no, this can only be established in relation to the individual enterprise.

Barbados. BEC: Yes to all.

BWU: Yes to all; (c) should also include language on worker-right-to-know and community-right-to-know where there are public health impacts from agriculture.

Belgium. CNT: The information should be provided in the language spoken by the workers and signs and symbols should be easy to identify and understand.

Botswana. BFTU: Yes to all; apply Convention No. 140 to allow workers to take part in courses organized by trade unions outside the farm premises with full pay.

Brazil. Reference should be made to the relevance of representative organizations of employers and workers, and farmers' associations such as cooperatives.
CNT: No to (a) and (c).

Canada. (a) Yes, however, under Canadian law, although workers must be informed about the hazards associated with their work and preventive techniques and, depending on their work activity, receive appropriate training, formal and extensive training is usually targeted at workers' representatives in joint safety and health committees.
CLC: Information, workers' education and training must be made available to workers on a regular basis.

China. Clause (a) is not possible in China.
ACFTU: Yes to (a); the system, which is being implemented progressively, has already been applied to the large majority of employers in agricultural enterprises in China.

Colombia. Training should be provided to give a comprehensive knowledge of the sector and to do away with the misconception that accidents cannot be avoided.

Czech Republic. CACC: No to all.

Egypt. FETU: Yes, by simplifying the information and training methods and giving importance to the role of media — given the high level of illiteracy in the agricultural sector, especially in developing countries.

France. MEDEF: No to (c).
FGA-CFDT: No to (b) and (c).

Ghana. Factories Inspectorate: No to all; priority should be given to instructing employers or their representatives, because safety data sheets are not easily understood by workers — especially in developing countries.
Labour Department: Yes to all, to enhance the understanding of work processes and procedures to reduce work-related risks.

India. Training for workers should be free of charge. In the case of small- and medium-scale farmers engaged in agricultural work, the training should be carried out by government agencies.

Israel. (a) Should include the obligation to translate safety instructions and training material into foreign languages when foreign workers are involved.

Jamaica. SPEJ: No to (a); yes to (b) and (c).
JCTU: Yes to all.

Lebanon. (b) This should be in the Recommendation.
ACCIA: No to (c).

Madagascar. Information and training should be provided during the trial period, even during a training course, and renewed outside work.

Malawi. MAPA: No to (c).

Mauritius. MEF: Appropriate training methods should be commensurate with the literacy level of the workers.

Morocco. In the Recommendation.

Portugal. CAP: No to (a); training should not be at the cost of the employer and dispensed during working hours.

CCP: No to (a) and (c).

CGTP-IN: Training and information should be provided each time a worker is assigned to a new task, irrespective of the category of workers or type of labour relation.

Singapore. Training should be conducted at regular intervals.

South Africa. (c) Yes, it could be useful if the employer submits a health and safety policy, including education and training schedules, to the relevant national authority.

BSA: (a) and (b) Such obligations should also be borne by manufacturers, importers, distributors and traders; no to (c), there are hundreds of thousands of chemical products available and it would be an impossible task to keep records of these. Furthermore, they would probably be of such a technical nature that very few people would understand them.

Spain. (c) Yes, if "when available" is added.

Syrian Arab Republic. Special attention should be given to new and seasonal workers.

Uganda. In liaison with the competent authority.

TMTC: No to (a), employers must ensure that the workers concerned understand health and safety regulations.

UNFA: The approach should be to supplement information provided by the central Government.

UTA: Yes, it is in the interests of employers.

United Arab Emirates. (c) This applies to workers in the deposits of chemicals, fertilizers and insecticide factories.

United Kingdom. (a) This should be free of charge; no mention is made of adequate supervision of work activities which is vital. The provision of adequate instruction is also relevant to the self-employed when working in someone else's premises; (b) already seems to be covered by the answer to Question 34(a); (c) more specific information is required as to the records to which the proposed instrument refers. There may be several records of hazardous substances which the employer obtains or makes (e.g. delivery notes), which would not necessarily promote safe use if made accessible.

United States. USCIB: No to all.

Venezuela. (a) Advantage could be drawn from the experience and infrastructure of the agriculture training programme developed by the National Institute for Educational Cooperation in several states of the country.

Since the great majority of the replies received from member States was affirmative, the Proposed Conclusions were drafted accordingly *(Point 10)*.

V. Rights and duties of workers

Qu. 35 *Should the instrument(s) provide that workers in agriculture and their representatives have the duty to cooperate and comply with the prescribed safety and health measures to permit compliance with the duties and responsibilities placed on the employer(s) by national laws and regulations?*

Total number of replies: 82

Affirmative: 80. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Singapore, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative: 1. Slovakia.

Other replies: 1. Lebanon.

Argentina. UATRE: Yes, but with explicit language, taking into account that the primary responsibility for health, safety and work environment lies with the employer.

Australia. ACCI: Yes.

Barbados. BEC: Yes.
BWU: Yes, but it should be clear that the employer is responsible for safety and health at work.

Botswana. BFTU: This should be applied without any constraint.

Brazil. It is important to mention the fundamental role of most representative organizations of employers and workers, cooperatives and associations.

Canada. CLC: Workers' roles and responsibilities must be presented in a job description and agreed upon by both parties.

France. It should be specified what is meant by "cooperate".
MEDEF: This is not enough. The employer should also be given the power to check and penalize the behaviour of employees who fail to respect safety and health measures.

Germany. DGB: Workers in smallholdings should be granted powers of supervision and inspection such as the work councils under German law.

Ghana. TUC: To the extent that the emphasis is not on the "safe worker", but on "safe job".

Guatemala. Health and safety are the responsibility of all employers, workers and the Government.

Iraq. GFTU: Yes.

Jamaica. SPEJ and JCTU: Yes.

Lebanon. This item should be reworded: compliance by employers and workers with occupational safety and health measures in agriculture is compulsory under national policy.

irrespective of any action taken by other entities. After reformulation, this item should be included in the Recommendation.

Mexico. Tripartite agreements should be established.

Russian Federation. Within the overall framework of tripartite committees, collective agreements, etc.

Slovakia. This is defined under Convention No. 155 for workers in all branches. If an instrument is adopted, it should refer to this Convention.

Switzerland. USS/SGB: Yes and, if necessary, make provisions for tripartite bodies.

Uganda. It should be very clearly indicated which steps to follow.

United States. USCIB: Yes, any instrument must provide for real responsibility for workers.

Since the great majority of the replies received from member States was affirmative, the Proposed Conclusions were drafted accordingly *(Point 11)*.

Qu. 36 *Should the instrument(s) provide that workers in agriculture have the right to be informed and consulted on safety and health matters, refuse hazardous work, collectively select safety and health representatives and participate in workplace inspections?*

Total number of replies: 80

Affirmative: 73. Algeria, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Ghana, Guatemala, Hungary, India, Ireland, Israel, Italy, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Singapore, Slovenia, South Africa, Spain, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Kingdom, Venezuela, Viet Nam.

Negative: 4. Islamic Republic of Iran, Japan, Slovakia, United Arab Emirates.

Other replies: 3. Egypt, Greece, New Zealand.

Algeria. Ministry of Agriculture: Yes.

Ministry of the Environment: Yes, workers must have the right to choose their safety and health representatives.

CAP: Yes, but not the right to refuse necessary work, it would be more appropriate to establish the conditions under which this work is to be carried out.

Australia. ACCI: Yes.

Austria. Yes, however, these rights should be granted not only to workers but also to their representatives.

BCLR. Factors such as the size of the enterprise or the number of workers should also be taken into account.

Azerbaijan. Representatives of trade unions at the enterprises concerned should participate in site inspections.

Barbados. BEC and BWU: Yes.

Botswana. BFTU: Safety representatives should have the right to stop any work suspected to be hazardous to workers.

Brazil. National legislation should define, whenever possible, which are the situations in which there is an imminent danger of serious and fatal accidents.

CNT: The right to refuse hazardous work should not apply when safety and health measures are met.

Canada. Yes, however, there is no general right, under Canadian legislation, for workers to be consulted. Participation in workplace inspections usually takes place through a joint safety and health committee or a safety representative chosen from among the workers.

CLC: Yes, but it should be clear that the definition of a safe workplace is an objective matter, not defined by the employer (e.g. pesticide re-entry times).

Colombia. To be able to identify hazardous work, workers should receive appropriate training on work processes and work procedures, measures to identify, assess and supervise hazardous conditions and ways to protect their health in the workplace.

SAC: Consultation and workplace inspection should not be mandatory.

Cyprus. The hazardous work, which the workers have the right to refuse, should be specified. The participation of workers in workplace inspections should be in the Recommendation.

Czech Republic. TUWAF: Yes.

Egypt. Yes, if the words "and participate in workplace inspections" are deleted.

France. Participation in workplace inspections should be carried out by the employees' representatives. However, the low number of people working in agricultural enterprises does not make it possible to have such representatives.

MEDEF: No, except as a Recommendation. Any workplace inspections should be reserved for labour inspectors or occupational health physicians.

Germany. Yes, but "hazardous work" must be defined. The worker cannot refuse all dangerous work. In German legislation the expression "imminent and hazardous work" exists.

BDA: Yes, with the following restriction: not every form of hazardous work should give entitlement to refusal but only work directly associated with a major hazard.

Ghana. Factories Inspectorate: Yes, to ensure that they can identify and refuse hazardous work, workers should be properly informed and instructed about these hazards.

Greece. These workers' rights are established in accordance with national law and practice. Refusal to carry out work should be dealt with in the same way as Article 18(1) and (2) of Convention No. 170.

PASEGES: Yes.

Guatemala. With tripartite participation.

India. Tripartite boards should be constituted and the rules updated from time to time.

Iraq. GFTU: Yes.

Jamaica. SPEJ and JCTU: Yes.

Japan. This should be left to the determination of the individual country.

Kenya. In the refusal to perform hazardous work, there should be no ambiguity in the definition of "hazardous work" — otherwise this would strain industrial relations.
COTU: There should be no victimization.

Lebanon. Workers can refuse to undertake hazardous work if they have information about the existence of such hazards — and after informing their employer about the danger threatening them. Workers' representatives should be defined in the Convention. Workplace inspections should be carried out by the relevant bodies that are authorized to gather the opinions of workers and employers and advise both parties on this matter.

Malawi. MCTU: Yes, workers should be informed of any safety and health matters regularly.

Malaysia. Yes to all points except the refusal of "hazardous work", when the employer has taken steps to control the hazards.

Mauritius. The term "hazardous work" should be clearly defined.
MEF: The right to refuse hazardous work cannot be entertained. As regards information, the law provides for regular meetings through the occupational safety and health committee at the workplace.

Mexico. The fact that workers are also responsible for their own safety and health should be stated in labour contracts.

New Zealand. This is a matter for individuals to negotiate and statute; the instrument should promote employee participation, but the way this is achieved is an agreement within the enterprise and not for the Government to define.
NZCTU: Yes, there is no legislative guarantee of these rights in New Zealand.

Portugal. CCP: No, reference should be made to national legislation.
CAP: No, but workers should have the right to be informed about safety at work.

Russian Federation. Within the terms of current labour laws.

Singapore. Allowing workers to refuse hazardous work may lead workers to abuse their rights. Workers could participate in workplace inspections through the safety committee.

Slovakia. This is sufficiently defined by Convention No. 155. If an instrument is adopted, it should refer to this Convention.

South Africa. BSA: The instrument should not give the worker the right to refuse to do hazardous work. To drive a tractor or operate a chemical spray can probably be classified as hazardous work but the workers cannot be allowed to refuse to do it.

Spain. Yes, according to national law.
ASAJA: No.

Sri Lanka. This should be made mandatory.

Switzerland. USS/SGB: Participation rights in occupational safety and health protection should be formulated in explicit terms.

Syrian Arab Republic. A government delegate should be a member of the inspection unit and assess occupational hazards.

Uganda: Yes, and in case of any unforeseeable obstructions or obstacles, the authority would be competent.

FUE: Yes, the worker's right to be informed is already contained in Question 34. The right to refuse hazardous work would be open to serious abuse. In many cases work is hazardous but employers provide safeguards.

KSW: Yes, participation of workers in workplace inspections would create collective responsibility and foster teamwork.

IMTC: No, violation by any party should be referred to a third party (i.e. a neutral enforcement body), instead of allowing workers or their representatives to take the law into their hands.

United Arab Emirates: This depends on the type of agreement between the workers and employer — and providing that tasks allocated to the workers will not expose them to danger.

United Kingdom: Yes, in relation to consultation on safety and health matters and to the right to refuse hazardous work (presumably where adequate control measures have to be taken). Health and safety representatives may not be appropriate in all circumstances (e.g. very small firms). It is not clear what is meant by workplace inspections. Is this by an inspector or employer?

United States, USCIB: No, see Question 35.

Since the great majority of the replies received from member States was affirmative, the Proposed Conclusions were drafted accordingly *(Point 11)*.

Self-employed workers

Should the instrument(s) provide that self-employed workers are required to comply with prescribed safety and health measures and take reasonable care of their own safety and health and that of other persons? **Qu. 37**

Total number of replies: 83.

Affirmative: 76. Algeria, Argentina, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, China, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Egypt, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, India, Islamic Republic of Iran, Ireland, Israel, Italy, Jamaica, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Switzerland, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative: 6. Austria, Ecuador, Ethiopia, Japan, Spain, Thailand.

Other replies: 1. Ghana.

Algeria. Self-employed workers should be concerned in the same way as others.

Argentina. UATRE: Yes.

Australia. ACCI: Yes.

Austria. The instrument should not refer to self-employed workers.
EAKT and ÖGB: Yes.

Barbados. BEC and BWU: Yes.

Belgium. CNT: This is not clear. See Question 11.

Botswana. BFTU: Yes.

Brazil. CNT: Yes, this is necessary — irrespective of the category.

Czech Republic. Yes, but the requirement for a self-employed person in agriculture to comply with prescribed safety and health measures will probably be hard to include in the instrument.

Ecuador. No. At the most this could be in the Recommendation as it would be very difficult to include these persons in the provisions.

Ethiopia. No, because it would be difficult to make every self-employed worker comply with this provision.

Finland. In a Recommendation.

Ghana. Factories Inspectorate: No, this compliance is not practicable for economic and social reasons.
Labour Department: Yes.

Greece. Yes, in the Recommendation.

Iraq. GFTU: Yes.

Japan. No, it is extremely difficult for the self-employed to comply with such requirements.

Kenya. COTU: Yes, failure to take this into account might lead to undesirable repercussions on other persons and the general environment.

Lebanon. Yes, but the question is linked to the concept of "reasonable care". If the self-employed workers are covered by the proposed instrument, they would have to comply with safety and health provisions like other parties unless the instrument(s) contains exceptions.

Malawi. MCTU: Yes, this should be the duty of the self-employed.

Malaysia. MAPA: No.

Mozambique. Ministry of the Environment: These workers are part and parcel of the agricultural sector.

Philippines. AMMMA-KATIPUNAN: Self-employed workers can be members of cooperatives for which the requirements in safety and health will be negotiated.
Bureau of Women and Young Workers: The administration should be capable of monitoring the compliance of self-employed workers. Furthermore, more thought should be given to the capacity of self-employed workers to comply with safety and health measures.

Poland. It is proposed to replace the word "workers" (employees) by the word "persons" because a worker is someone who works for the employer and not on his or her own account.

Portugal: CGTP-IN: Special provisions for small-scale family farms should be included. Safety and health measures are also necessary for family members as they could be exposed to hazards even when not involved in agricultural activities.

Spain: No, but the Government could agree if it was according to national law and practice. ASAJA: Yes.

Switzerland: USS/SGB: Yes.
USPS/BV: No.

United States: USCIB: Presumably, individual self-employed workers will take care of their own safety and health.

Since the great majority of the replies received from member States was affirmative, the Proposed Conclusions were drafted accordingly. The Office has also drafted other complementary provisions as Proposed Conclusions with a view to a Recommendation (*Points 9 and 34*).

(a) *Should the instrument(s) provide that the competent authority should progressively extend the coverage of inspection services in agriculture to provide assistance and appropriate advice to self-employed workers on the health and safety measures to be taken to protect themselves and those working with them?* **Qn. 38**

(b) *If yes, should the instrument(s) specify the type of assistance and advice that should be provided?*

Total number of replies for clause (a): 83.

Affirmative to clause (a): 74: Algeria, Argentina, Austria, Bahrain, Bangladesh, Belarus, Belgium, Brazil, Bulgaria, Canada, Cape Verde, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Hungary, India, Islamic Republic of Iran, Ireland, Italy, Jamaica, Kenya, Kuwait, Lebanon, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Malta, Mauritius, Mexico, Republic of Moldova, Morocco, Mozambique, New Zealand, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Singapore, Slovakia, Slovenia, South Africa, Sri Lanka, Syrian Arab Republic, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom, Venezuela, Viet Nam.

Negative to clause (a): 9: Azerbaijan, China, Estonia, Ethiopia, Israel, Japan, Spain, Switzerland, Thailand.

Total number of replies for clause (b): 79.

Affirmative to clause (b): 52: Argentina, Bangladesh, Belarus, Brazil, Canada, Cape Verde, Colombia, Costa Rica, Croatia, Cuba, Cyprus, Dominican Republic,

Ecuador, Egypt, El Salvador, Finland, France, Ghana, Greece, Guatemala, India, Islamic Republic of Iran, Ireland, Italy, Jamaica, Kenya, Lebanon, Madagascar, Mali, Malta, Mauritius, Republic of Moldova, Morocco, Mozambique, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Romania, Russian Federation, Singapore, Slovenia, Sri Lanka, The former Yugoslav Republic of Macedonia, Togo, Turkey, Uganda, Ukraine, Venezuela, Viet Nam.

Negative to clause (b): 27. Austria, Azerbaijan, Bahrain, Belgium, Bulgaria, Denmark, Estonia, Ethiopia, Georgia, Germany, Hungary, Israel, Japan, Kuwait, Lithuania, Luxembourg, Malaysia, Mexico, New Zealand, Nigeria, Slovakia, South Africa, Switzerland, Syrian Arab Republic, Thailand, United Arab Emirates, United Kingdom.

Algeria. Ministry of Agriculture: (a) This law should not exclude from its scope any actor of agricultural economic life, whatever the status of the unit concerned; (b) yes.

Ministry of the Environment and CAP: (b) Yes.

Argentina. (a) Action taken should be tripartite.

Australia. ACCI: Yes to all; (b) the competent authority should outline to what extent assistance and advice will be provided.

Azerbaijan. ATUC: Yes to all; (b) organize compulsory safety and health training and examinations.

Belgium. CNT: No, this is not clear. See Question 33.

Botswana. BFTU: Self-employed workers are currently not classified as workers and they are not allowed to create trade unions. The laws must be amended. (a) Yes; (b) no, it should cover every aspect of safety and health.

Brazil. (a) Yes, concerning family farms; (b) yes, as suggestions.

Canada. (a) Yes, subject to comments to Question 15, regarding the inappropriateness of inspectors providing advice on corrective measures; (b) in a Recommendation.

China. (a) No, see Question 13.

Cyprus. (b) The advice or assistance may include the provision of information concerning health and safety risks in agricultural works. These requirements should be included in a Recommendation.

Czech Republic. CACC: (b) It could be especially useful to stipulate who should provide guidance in particular kinds of activities — and in which way — as well as to propose the level of qualifications of advisors and the solutions to economic questions connected with providing these services.

TUWAF: Yes to (b).

Denmark. (b) This should not be included in a Convention.

Ecuador. (a) and (b), only in Recommendation.

Egypt. Yes, but not necessarily to determine the type of assistance which differs according to the various agricultural activities, the nature of the assistance may be determined on a case-by-case basis and in line with requirements.

HCTU: Yes, detailed provisions must be included in the Recommendation.

Ethiopia. (a) No, it is impossible to extend inspection activities due to a shortage of manpower and logistics.

Finland. (a) Yes, but consultation with the most representative organizations is necessary; (b) on the Recommendation.

MTK: (a) the Government should bear part of the expenses.

France. (a) This would also presuppose the setting up of a service of preventive measures with specific programmes for the self-employed and employers.

MEDEF: (a), (b) The technical nature of the activities envisaged would seem to make it more suitable for a Recommendation.

Georgia. (b) No, this should be done depending on the circumstances.

Germany. **DGB**: Yes to (b).

Ghana. Labour Department: (b) Yes, concerning machinery safety and ergonomics, chemical safety and insurance against occupational injuries and sickness.

TUC: (b) Yes, information on hazards and risks; education and training on less hazardous use of chemicals, and present options for eliminating identified risks.

Greece. In the Recommendation.

Guatemala. (b) Training on rights and obligations in the area of occupational safety and health.

Hungary. (b) Workers' organizations: Yes.

India. (a) The institutional arrangements of inspection may be progressively extended to self-employed workers.

Iraq. **GFTU**: Yes to (a), no to (b). See Question 29(b).

Ireland. (b) The national inspectorate monitors and assists self-employed workers. Inspectors require them to submit plans to control or eliminate identified hazards.

Israel. (a) This should be performed by educational and training institutions or professional organizations.

Jamaica. **SPFI**: (b) Specify minimum safety practices and procedures to be used as guidelines for the type of assistance required on a case-by-case basis.

Japan. No. It is extremely difficult to extend the coverage of inspection services to the self-employed.

Kenya. **COTU**: (b) Inspectors should provide information and training free of charge.

Lebanon. (a) This provision should be incorporated in the Recommendation, especially given that self-employed workers are outside the scope of the proposed instruments. (b) The scope should be specified in the Recommendation.

ACCIA: (a) Yes, this is up to the Ministry of Agriculture advisers; (b) no, this should be left to the relevant ministries.

Madagascar. (b) In the form of a Recommendation.

Malawi. **MCTU**: (a) This would ensure that all involved in agriculture are covered by the instruments.

Malaysia. (b) The instruments should specify only the general framework for the type of assistance and advice to be provided depending on the local situation or the enterprise.

MAPA: No to (a).

NUPW: (b) Yes, compulsory health surveillance of workers concerned.

Malta. (b) Minimum specifications should be defined and stated.

Mexico. (b) No, any specification would limit the workers' right to information.

Morocco. These should be included in the Recommendation.

Mozambique. (b) Yes, emphasize information dissemination and training.
SINTAF: (b) Periodical medical examinations.

New Zealand. (a) The inspection service in New Zealand covers both employers and the self-employed, although the legislation focuses more on the responsibilities of employers.

Norway. (b) This should be specified in the Recommendation.

Pakistan. PNFTU: (b) The instrument should prescribe advisory measures.

Panama. (a) This should be done through inter-institutional mechanisms.

Philippines. AMMMA-KATIPUNAN: (b) It should include periodical medical examinations, hospitalization, accident benefit and social security.
Bureau of Women and Young Workers: (b) It should prescribe information on, for instance, the prevention and control of occupational hazards in agriculture.

Portugal. Yes, but in the Recommendation.
CCP and CAP: No to (b).

Singapore. (b) Guidelines or codes could be prepared and issued to the self-employed. Incentives could be given if certain criteria are met.

Slovakia. (a) This should be in the Recommendation.

South Africa. BSA: (b) The country concerned should rather be left to decide, after proper consultation, what is practical and affordable under its specific circumstances.

Spain. (a) See Question 37.
ASAJA: Yes to all.

Switzerland. USS/SGB: Yes to all.
USP/SBV: No to all.

Syrian Arab Republic. (a) For the protection of the work environment and the environment as a whole. (b) This should be left to national legislation.

Thailand. Ministry of Agriculture: Yes to (b); self-employed workers should be informed on updated information and visited by the competent authority periodically.

Togo. (b) This category of workers should be informed and trained.

Turkey. (a) The word "progressively" should not be deleted.

Uganda. FUE: No to (b); this should be left to individual countries.
KSW: (b) Yes, concerning the safe handling of chemicals, agricultural machinery and entry into confined spaces.
TMTC: (a) Yes, based on national laws, the instrument should set minimum standards even to self-employed workers in agriculture.
UNFA: (b) Yes, on the safe use of agrochemicals, training in the safe use of machinery and information on available services.

United States. USCIB: No to all.

Viet Nam. (b) The instruments will provide a framework for the establishment and implementation of national laws and regulations.

Since the great majority of the replies received from member States was affirmative, the Proposed Conclusions with a view to a Recommendation were drafted accordingly (*Point 34*).

VI. Special problems

Are there unique features of national law or practice which, in your view, are liable to create difficulties in the practical application of the proposed instrument(s) as conceived in this questionnaire? **Qu. 39**

Total number of replies: 77.

Affirmative: 27. Azerbaijan, Belgium, Brazil, Bulgaria, Canada, Costa Rica, Dominican Republic, Ecuador, Guatemala, India, Japan, Lebanon, Madagascar, Malaysia, Malta, Mozambique, Norway, Pakistan, Philippines, Portugal, Sri Lanka, Switzerland, Syrian Arab Republic, Thailand, Turkey, Uganda, United Kingdom.

Negative: 48. Algeria, Argentina, Austria, Bahrain, Bangladesh, Belarus, Cape Verde, Colombia, Croatia, Cuba, Cyprus, Denmark, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Hungary, Islamic Republic of Iran, Ireland, Israel, Jamaica, Kenya, Kuwait, Luxembourg, Mali, Mauritius, Mexico, Republic of Moldova, Mozambique, New Zealand, Nigeria, Panama, Poland, Romania, Russian Federation, Singapore, Slovakia, South Africa, The former Yugoslav Republic of Macedonia, Ukraine, United Arab Emirates, Venezuela, Viet Nam.

Other replies: 2. Ghana, Spain.

Argentina. UATRE: Argentina does not have an inspection service specific to agriculture.

Austria. No, as a matter of principle, unless self-employed workers, as well as their family members employed only part-time in the enterprise, are covered by the instrument.

Azerbaijan. Yes, the impossibility of training specialized agricultural inspectors.
ATUC: No.

Barbados. BWU: No.

Belgium. There will be differences of application depending on whether it is a Convention or a Recommendation and, in a federal State, according to the regions which can legislate.

FUNDACENTRO: Yes, it would be necessary to revise national legislation in order to comply with the National Constitution of 1988, which provides for all workers having the same rights.

Bulgaria. Yes, provision must be made for allowing an exception to the requirements concerning "unstable" economic and agricultural structures during a specific time period.

Canada. Yes, the occupational safety and health laws of three Canadian provinces do not cover farming operations. Moreover, existing Canadian legislation is not always as far-reaching as this questionnaire and the areas covered in it, although important, would be difficult to enforce effectively.

Czech Republic. CACC: Yes, problems could arise especially in the determination of obligations for private farmers (working conditions of women and minors).

TUWAF: No.

Denmark. No, provided that the Convention leaves the further design to national legislation and practice in those parts that have been mentioned in the replies to the questions.

Ecuador. The serious economic and political difficulties of the country would make it impossible to apply the instrument on a permanent basis — especially in the case of small-scale farmers and the self-employed.

Finland. FAE: In the case of difficulties, these should be solved by the principle of subsidiarity so that the national conditions can be considered in the implementation of instruments.

Ghana. Factories Inspectorate: Yes, the multiplicity of institutions involved in agricultural work; furthermore, some hazards affect not only the workers but also the environment.

Labour Department: No.

Guatemala. Information and awareness-raising of those involved in the effective application of the instrument.

India. Agricultural workers are unorganized, particularly migrant and landless workers. There is also no specific law on the subject at present in India. A comprehensive law is to be enacted to fulfil these objectives.

Japan. Yes, because the national legislation does not cover self-employed workers or relatives living with the employer as family members.

Lebanon. Yes, on a practical level, agricultural workers are excluded from the provisions of labour law in Lebanon and thus are not subject to the competence of the labour inspectorate which monitors the implementation of labour laws. Moreover, there is no comprehensive census on agricultural workers and their problems are therefore not clearly defined.

ACCIA: No, there are no difficulties that cannot be tackled on an administrative level.

Madagascar. A maximum of Recommendations should be submitted to include in national legislation.

Malawi. MCTU: Yes, there is a need to overhaul all existing national law and practice which are not in harmony with present working conditions and labour laws.

Malaysia. Yes, with respect to application for the self-employed (e.g. smallholders in rural areas); however, the Government has no suggestions for the moment.

MAPA and NUPW: No.

Mali. No, but member States must take into account their prevailing national situations to ensure the best possible application and be flexible vis-à-vis certain measures.

Mauritius. **MEF**: Yes, the overlapping of inspection services and organizations (e.g. health, environment, labour and transport).

Mozambique. Ministry of the Environment: Yes, the participation of agricultural communities in the identification of problems will be necessary.

New Zealand. Should the ILO adopt a Convention requiring specific workers' participation, New Zealand would find this a barrier to adoption, as currently there is no legislative requirement (specifically for workers' participation).

NZCTU: Yes.

Norway. It might be difficult to establish occupational health services with sufficient capacity to serve agricultural workers (mainly relief workers) in all rural districts.

Pakistan. In developing countries, the legislation and institutional infrastructures are outdated. No trained manpower is available in the area. This will have to be overcome.

Philippines. **AMMMA-KATIPUNAN**: Yes. For the consultations, the practice must be from grass roots to national level; for decisions, by all levels; for implementation, the practice must be from national to grass roots with a per- sical check-up and follow-up to resolve problems.

Bureau of Women and Young Workers: Yes, the need to include agriculture as one of the inspection priorities, to increase the number of labour inspectors, to provide labour inspectors with a technical understanding of the hazards specific to agriculture and knowledge of the work organization in the agricultural sector.

ILS and NTA, PAKISAMA: No.

Portugal. National regulations on this matter are disperse and pose problems in understanding comprehensively legal obligations. Certain regulations are complex and out of date, and lack of training of the target population would require a special treatment. Inter-institutional coordination may be difficult in relation with health surveillance and inspection, due to geographic dispersion and cultural aspects.

CCP: No.

CGTP-IN: No, but specific regulations would be necessary and inspection and training constraints should be overcome.

South Africa. **BSA**: Yes, in less sophisticated countries the ratification and application of the instruments might prove to be onerous, especially if the contents of the instruments are too rigidly prescriptive. The position of microbusinesses, which are important employment creators in developing countries, must be taken into account and their economic viability should not be jeopardized. It is further important not to hamper the production of food with regulations which are too strict and too rigid.

Spain. **ASAJA**: Yes, unified provisions specific to safety and health in agriculture would be necessary.

Sri Lanka. Yes, but these difficulties can be met through the organization of rural workers and conducting extensive awareness programmes.

Switzerland. Yes, the Government prefers the principle of the employers' responsibility rather than that of constraint. However, family enterprises are not yet protected.

USS/SGB and USP/SBV: No.

Syrian Arab Republic. The instrument must contain certain optional formulations (two levels), which the State would undertake to implement. Other Articles may be ratified gradually to facilitate ratification and take into account national legislation.

Thailand. As laws and regulations are under the responsibility of different government agencies, it would be difficult [illegible]

Turkey. The field of agriculture is not covered by labour inspection. Inspection at rural and remote areas may be quite difficult.

Uganda. FUE: Yes, by re-establishing the Ministry of Labour as a fully-fledged Ministry rather than a department.

KSW: Yes, the competent authority needs strong government support to be able to enforce the law.

TMTC and UTA: No.

UNFA: Yes, given that there is free trade, importers of agrochemicals should be monitored.

United Arab Emirates. The instrument must be flexible enough to take into account national laws and practices to facilitate its ratification.

United Kingdom. The Convention should follow a risk-based approach linking the need for a risk assessment to identify the control measures required. It should not be so prescriptive that it rapidly becomes out of date or fails to deal with new technologies, processes and work that arise.

United States. USCIB: The basic infeasibility of regulating safety and health in agriculture in a large country.

Various governments raised difficulties in the practical application of certain provisions. These are either listed above or in the general observations. Many of the comments suggested specific constraints or proposals which have been dealt with in the drafting of the provisions for the Proposed Conclusions. Some of the topics seemed to be outside the scope of the instrument, while others may best be resolved by the discussion at the Conference.

Qu. 40 *For federal States only: Do you consider that, in the event of the instrument(s) being adopted, the subject-matter would be appropriate for federal action, or wholly or in part for the action by the constituent units of the federation?*

Total number of replies: 15

Affirmative: 12. Argentina, Belgium, Brazil, Ethiopia, Germany, India, Malaysia, Nigeria, Pakistan, Russian Federation, Switzerland, United Arab Emirates.

Negative: 1. Mexico.

Other replies: 2. Austria, Canada.

Austria. In the event of ratification, both federal measures as well as those taken by individual states are necessary.

LAKT and ÖGB: Yes.

PKLK: No, it is already done in Austria.

Belgium: The issue would, in part, be a matter for the regions (Walloon, Flemish and Brussels).

Brazil: Yes, the instruments will serve as a basis for federal laws negotiated and extended to states and municipalities.

Canada: For the most part, action would be required by the constituent units of the federation. Except for workers employed at experimental farms and research stations, agricultural workers are under provincial/territorial jurisdiction.

France: CFTC: Yes.

Russian Federation: Provided that they are compatible with federal laws and regulations.

Spain: ASAJA: Yes.

Switzerland: Yes, the subject-matter would be exclusively the competence of the Confederation and only a number of functions of implementation would lie with the cantons.

United States: USCIB: No.

Foremost among the difficulties mentioned was the need to revise national laws, or those cases where a federal State does not have jurisdiction over safety and health matters in the workplace. The Proposed Conclusions have been drafted to provide for flexibility and for different solutions, taking into account the variety of existing situations.

Are there, in your view, any other pertinent problems not covered by the present questionnaire which ought to be taken into consideration when the instrument(s) is being drafted? **Qu. 41**

Total number of replies: 65

Affirmative: 14. Belgium, Canada, Czech Republic, Dominican Republic, El Salvador, Hungary, Ireland, Jamaica, Lebanon, Malta, Nigeria, Sri Lanka, Uganda, United Arab Emirates.

Negative: 51. Argentina, Austria, Bahrain, Bangladesh, Belarus, Bulgaria, Cape Verde, China, Costa Rica, Croatia, Cuba, Cyprus, Ecuador, Egypt, Estonia, Ethiopia, Finland, France, Germany, Greece, Guatemala, India, Islamic Republic of Iran, Israel, Japan, Kenya, Kuwait, Luxembourg, Malaysia, Mali, Mexico, Mozambique, New Zealand, Pakistan, Philippines, Poland, Republic of Moldova, Romania, Russian Federation, Singapore, Slovakia, Slovenia, Spain, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Ukraine, United Kingdom, Venezuela, Viet Nam.

Algeria: Ministries of Agriculture and the Environment: No.

CAP: Yes, but the issue is not to try and cover everything from the beginning. This would only occur once a certain amount of experience has been accumulated.

Argentina. UATRE: Yes, hazards related to genetically modified organisms, repetitive strain injuries, maximum weight when lifting and carrying electrical hazards.

Austria. PKLK: Should appropriate measures fail to be taken, the gap between countries oriented towards worker protection, such as Austria, and other countries will continue to widen, all of which is not only against the interests of a comprehensive social policy but, in the medium term, will even render production in countries with strict occupational safety and health regulations impossible. Even for mere employment policy reasons, such a development should be avoided.

Azerbaijan. ATUC: No.

Barbados. BWU: Yes, repetitive strain injuries and potential risks associated with genetically modified organisms.

Belgium. Safety and health protection of the children of the farmers' family, domestic accidents, the concept of "well-being" does not appear (stress, children's education, work in isolation, first aid).

Botswana. BFTU: No.

Brazil. Rural electrical installations, organic dust explosions, silicosis risk during the excavation of artesian wells, electrical atmospheric hazards (especially in fences), preventive measures in silos and in the clearing of grains, fire from stored products.

Canada. CLC: Education and training should be developed. One possibility is an independent agency, funded by Government, to promote farm education.

Czech Republic. CACC: Economic problems are of prime concern in Czech agriculture. Whatever measures are laid down in the field of health and safety protection, they will require financial means — which are not at present available in most agricultural undertakings.
TUWAF: Introducing a system of penalties.

El Salvador. The workers' organizations propose a pension scheme for elderly workers.

Ghana. Factories Inspectorate: No.
Labour Department: Yes, special provisions for women and children.

Hungary. National Labour Inspectorate: Duration of employment, taking into account the seasonal nature of agriculture.
Workers' organizations: Employers should be urged to implement recent findings in safety and health research.

Iraq. GFTU: No.

Ireland. Assignment of farm tasks to retired elderly farmers, which may lead to a risk to their safety due to their infirmity and/or lack of agility around animals.

Jamaica. Yes, the instrument should provide for the medical screening of persons handling chemicals in agricultural works.
JCTU: No.

Malawi. MCTU: The need to emphasize: education, awareness and prevention programmes; workplace testing on HIV/AIDS and confidentiality; managing illness and job security; risk management; first aid and compensation; protection against victimization; manual handling; and the need to enhance tripartism and collective bargaining on occupational safety and health at the workplace.

Malta. Safety-oriented courses for all workers and employers such as courses in first aid, rescue, fire fighting, etc.

Nigeria. Rehabilitation of injured agricultural farmers where local conditions will not allow a scheme of comprehensive and special insurance schemes.

Norway. LO: Yes, psychosocial conditions, work organization, working time arrangements, child labour, penal provisions.

Philippines. AMMMA-KATIPUNAN: Transportation, education, communication, hospitalization, low-cost clothing and housing needs.

Portugal. CCP: Yes, the existence of European and national legislation on the subject.

Sri Lanka. Specific reference must be made to women workers; provisions of first-aid facilities at the workplace; and availability of transport facilities in the vicinity.

Switzerland. USS/SGB: Yes. Biogenetic techniques should be addressed as an issue.

Turkey. TURK-IS: Yes, dusts, repetitive strain injuries and potential risks associated with genetically modified organisms may be taken into consideration.

Uganda. Casual labourers who may be engaged on a "when required basis", who may be working the year round.

UNFA: The use of agrochemical containers, use of chemicals beyond their expiry date; mass education through mass media.

United Arab Emirates. Migrant workers who are not covered/bound by laws and legislation of the land and who are difficult to quantify or identify.

United States. USCIB: Yes, the questionnaire does not reflect the poor economic circumstances of most of agriculture and the limited economic ability of developing countries — where the vast majority of agriculture takes place — to implement industrial-level health and safety requirements.

See commentaries after Question 39.

PROPOSED CONCLUSIONS

The following are the Proposed Conclusions which have been prepared on the basis of the replies summarized and commented upon in this report. They have been drafted in the usual form and are intended to serve as a basis for discussion by the International Labour Conference of the sixth item on the agenda of its 88th Session (2000): Safety and health in agriculture.

Some differences in drafting will be found between the Proposed Conclusions and the Office questionnaire that are not explained in the Office commentaries. These differences are due to concern both for concordance between the various languages and for the terminology to be adapted, as far as possible, to that already used in existing instruments.

The Proposed Conclusions do not follow the format of the questionnaire, as their structure was decided in the light of answers from member States. The various elements of the questionnaire have been arranged in comprehensive points and paragraphs to be included in the Proposed Conclusions with a view to a Convention and its accompanying Recommendation.

A. Form of the international instruments

1. The International Labour Conference should adopt international standards concerning safety and health in agriculture with the aim of ensuring that all workers in agriculture enjoy safety and health protection that is equivalent to that provided to workers in the other sectors of the economy.

2. These standards should take the form of a Convention supplemented by a Recommendation.

B. Proposed Conclusions with a view to a Convention and a Recommendation

PREAMBLE

3. (1) These standards should include a Preamble providing that the measures envisaged should be taken in the light of the principles embodied in the Occupational Safety and Health Convention and Recommendation, 1981; and the Occupational Health Services Convention and Recommendation, 1985.

(2) The Preamble should refer to other ILO instruments of direct relevance to safety and health in agriculture, in particular the following existing instruments: Plantations Convention and Recommendation, 1958; Employment Injury Benefit Conven-

tion and Recommendation, 1964; Labour Inspection (Agriculture) Convention and Recommendation, 1969; Chemicals Convention and Recommendation, 1990.

(3) The Preamble should also include a reference to the wider framework of the principles embodied in other ILO instruments relevant to agriculture and stress the need for a global and coherent approach to the sector.

(4) Reference should also be made to the ILO Codes of Practice on Recording and Notification of Occupational Accidents and Diseases, 1996, and on Safety and Health in Forestry Work, 1998.

C. Proposed Conclusions with a view to a Convention

The Conclusions with a view to a Convention should include the following provisions:

I. Definitions and scope

4. For the purpose of the Convention the term "agriculture" should cover:

(a) all activities (whether indoor or outdoor) directly related to cultivating, growing, harvesting and primary processing of agricultural products; to animal and livestock breeding including aquaculture; and to agro-forestry or any work performed in a forest related to cultivating or conserving forests;

(b) all agricultural undertakings, irrespective of size; and

(c) all machinery, equipment, appliances, tools, and installations used in agricultural activities and any process, operation or transportation, in an agricultural workplace, directly related to agricultural production.

5. For the purpose of the Convention the term "agriculture" should not cover: subsistence farming; industrial processes that use agricultural products as raw material and the related services; and any work performed in a forest related to exploiting forests.

6. (1) The competent authority of a Member which ratifies the Convention, after consultation with the representative organizations of employers, workers and self-employed farmers concerned:

(a) may exclude certain agricultural undertakings or limited categories of workers from the application of the Convention, or certain provisions thereof, when special problems of a substantial nature arise; and

(b) should, in the case of such exclusions, make plans for progressively covering all undertakings and all categories of workers.

(2) Each Member should list, in the first report on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organization, any undertaking or category of workers which may have been excluded, giving the reasons for such exclusions. In subsequent reports, it should describe the measures taken with a view to progressively extending the provisions of the Convention to the workers concerned.

II. General provisions

7. (1) In the light of national conditions and practice and after consultation with the representative organizations of employers and workers and of self-employed farmers concerned, Members should formulate, carry out and periodically review a coherent national policy on safety and health in agriculture, with the aim of preventing accidents and injury to health arising out of, linked with, or occurring in the course of work, by eliminating, minimizing or controlling, so far as is reasonably practicable, hazards in the agricultural working environment.

(2) To this end, national laws and regulations should:

(a) designate the competent authority responsible for the implementation of the policy and for the enforcement of national laws and regulations on occupational safety and health in agriculture;

(b) establish mechanisms of inter-sectoral coordination among relevant authorities and bodies in the agricultural sector and define their functions and responsibilities taking into account their complementarity and national conditions and practice;

(c) specify the rights and duties of employers and workers and self-employed farmers with respect to safety and health in agriculture; and

(d) provide for corrective measures and appropriate penalties including, where appropriate, the suspension or restriction of agricultural activities on safety and health grounds, until the conditions giving rise to the suspension or restriction have been corrected.

8. (1) Members should ensure that an adequate and appropriate system of inspection for agricultural workplaces is in place and is provided with adequate means.

(2) Where necessary, the competent authority may either entrust certain inspection functions at the regional or local level, on an auxiliary basis, to appropriate government services or public institutions or associate these services or institutions with the exercise of such functions.

III. Preventive and protective measures

General

9. National laws and regulations should provide that whenever employers and self-employed persons engage in activities in the same agricultural workplace, the employers should be responsible for the health and safety of their workers, and all of them should cooperate in applying the safety and health requirements. In appropriate circumstances the competent authority should prescribe general procedures for this collaboration.

10. In order to comply with the national policy referred to in Point 7, national laws and regulations or the competent authority should provide, taking into account the size of the enterprise, that the employer should:

(a) adopt an enterprise-level programme providing for appropriate risks assessment and preventive and protective measures to ensure that all agricultural activities, workplaces, machinery, equipment, tools and processes under their control are safe and comply with prescribed safety and health standards, under all conditions of their intended use; and

(b) ensure that adequate and appropriate training and comprehensible instructions on safety and health and any necessary guidance or supervision are provided to all workers in agriculture, taking into account their level of education and language differences.

11. (1) Workers in agriculture should have the right:

(a) to be informed and consulted on safety and health matters, select safety and health representatives or their representatives in safety and health committees and through those representatives to participate in workplace inspections;

(b) to refuse hazardous work when they have reasonable justification to believe there is an imminent or serious risk to their safety or health.

(2) Workers in agriculture and their representatives should have the duty to cooperate and comply with the prescribed safety and health measures to permit compliance with the duties and responsibilities placed on employers.

(3) The procedures for the exercise of the rights and duties referred to in paragraphs (1) and (2) above should be regulated by national laws and regulations, the competent authority, collective agreements or other appropriate means.

Machinery safety and ergonomics

12. (1) National laws and regulations should prescribe that machinery, equipment, appliances and hand tools used in agriculture comply with national or other recognized safety and health standards and be appropriately maintained and guarded.

(2) Measures should be taken to ensure that manufacturers and suppliers comply with such standards and provide adequate and appropriate information to the users and to the competent authority.

13. National laws and regulations should prescribe that agricultural machinery and equipment:

(a) must be used only for work for which they are designed, and in particular, must not be used for human transportation; and

(b) must be operated by trained, competent and authorized persons, in accordance with national law and practice.

Handling and transport of materials

14. (1) The competent authority, after consulting the representative organizations of employers and workers and of self-employed farmers concerned, should establish safety and health requirements for the handling and transport of materials, particularly on manual handling, or the basis of risk assessment, technical standards and medical

opinion, taking account of all the relevant conditions under which the work is performed.

(2) In particular, no worker in agriculture should be required or permitted to engage in manual handling or transport which by reason of the weight of the load is a risk to health or safety.

Sound management of chemicals

15. (1) The competent authority should take measures, in accordance with national law and practice, to ensure that:

(a) there is an appropriate national system establishing specific criteria for the importation, classification, labelling and banning or restriction of chemicals used in agriculture;

(b) those who produce, import, provide, transfer or dispose of chemicals used in agriculture, comply with national or other recognized safety and health standards, and provide adequate and appropriate information to the users and to the competent authority; and

(c) an appropriate system of recuperation and recycling of empty containers of chemicals is in place to avoid their use for other purposes and to eliminate or minimize the risks to safety and health and to the environment.

16. (1) National laws and regulations or the competent authority should ensure that there are preventive and protective measures for the use of chemicals at the enterprise level.

(2) These measures should cover the following areas:

(a) the preparation, handling, storage and transportation of chemicals;

(b) the release of chemicals resulting from agricultural activities;

(c) the maintenance, repair and cleaning of equipment and containers for chemicals; and

(d) the disposal of empty containers and the treatment and disposal of chemical wastes.

Agricultural facilities

17. National laws and regulations should prescribe safety and health requirements for the construction, maintenance or repairing of agricultural facilities.

Animal handling

18. National laws and regulations should provide that animal handling activities, animal husbandry areas and stalls comply with national or other prescribed safety and health standards.

IV. Other provisions

Young workers

19. (1) The minimum age for assignment to work in agriculture which by its nature or the circumstances in which it is carried out is likely to harm the safety and health of young persons should not be less than 18 years.

(2) Notwithstanding the provisions in paragraph 1 above, national laws or regulations or the competent authority might, after consultation with the organizations of employers and workers and of self-employed farmers concerned, authorize such assignment as from 16 years of age on condition that appropriate training is given and the health and safety of such persons are fully protected.

Temporary and seasonal workers

20. Measures should be taken to ensure that temporary and seasonal workers receive the same safety and health protection as that accorded to comparable full-time workers in agriculture.

Welfare and accommodation facilities

21. The competent authority should, in consultation with the representatives of the employers' and workers' organizations concerned, make arrangements for the provision of adequate welfare facilities and accommodation for workers in agriculture who live temporarily or permanently in the undertaking, at no cost to them, and establish the minimum standards for accommodation.

Insurance against occupational injuries and sickness

22. (1) Workers in agriculture should be covered by a scheme of compulsory insurance against occupational injuries and sickness, invalidity and other similar risks providing protection that is at least equivalent to that enjoyed by workers in other sectors.

(2) Such a scheme can either be part of a national scheme or take any other appropriate form consistent with national laws and practice.

(3) Where economic, social and administrative conditions do not permit the inclusion of self-employed farmers and their families, including persons of small means working on their own account in agriculture, such persons should be covered by a special insurance scheme and measures should be taken for the progressive extension of coverage to the level provided for in paragraph (1) above.

D. Proposed Conclusions with a view to a Recommendation

23. The provisions of the Recommendation supplementing the Convention should be applied in conjunction with those of the Convention. The Proposed Conclusions with a view to a Recommendation should include the following provisions:

I. General provisions

24. In order to give effect to Point 8, the measures concerning labour inspection in agriculture, should be taken in the light of the principles embodied in the Labour Inspection (Agriculture) Convention and Recommendation, 1969.

25. Multinational enterprises should provide adequate safety and health protection for their workers in agriculture in all their establishments, without discrimination and regardless of the place or country in which they are situated, in accordance with the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, 1977.

II. Occupational safety and health surveillance

26. The competent authority designated to implement the national policy referred to in Point 7 should:

(a) identify major problems, establish priorities for action, develop effective methods for dealing with them and periodically evaluate the results;

(b) prescribe measures for the prevention and control of occupational hazards in agriculture:

(i) taking into consideration technological progress and knowledge in the field of safety and health in agriculture, as well as relevant standards, guidelines and codes of practice adopted by recognized national or international organizations;

(ii) taking into account the need to protect the general environment from the impact of agricultural activities; and

(iii) specifying the steps to be taken in order to prevent or control the risk of endemic diseases for workers in agriculture;

(c) prepare guidelines for employers and workers and self-employed farmers.

27. (1) The competent authority should establish a national system for occupational safety and health surveillance which should include both workers' health surveillance and the surveillance of the working environment.

(2) This system should include the necessary risk assessment and where appropriate, preventive and control measures with respect to: (a) hazardous chemicals; (b) toxic, infectious or allergenic biological agents; (c) irritant or toxic vapours; (d) hazardous dusts; (e) carcinogenic substances or agents; (f) noise and vibration; (g) extreme temperatures; (h) solar ultraviolet radiations; (i) transmissible animal diseases; (j) contact with wild or poisonous animals; (k) the use of machinery and equipment, including personal protective equipment; (l) the manual handling or transport of loads; and (m) intense or sustained physical efforts and inadequate working postures.

(3) Special health surveillance measures for young workers and pregnant and nursing women should be taken, where appropriate.

28. The competent authority should:

(a) make provisions for the progressive extension of appropriate occupational health services for workers in agriculture;

(b) establish procedures for the recording and notification of occupational accidents and diseases in agriculture, in particular for the implementation of the national policy and the development of preventive programmes at the enterprise level; and

(c) progressively develop procedures for the recording and notification of occupational accidents and diseases concerning self-employed farmers.

III. Preventive and protective measures

Risk assessment and management

29. To give effect to Point 10, a safety and health programme at the enterprise level should include:

(a) occupational safety and health services;

(b) risk assessment and management measures in the following order of priority:

(i) eliminate the risk;

(ii) control the risk at the source;

(iii) minimize the risk by means that include the design of safe work systems, or the introduction of technical and organizational measures and safe practices;

(iv) in so far as the risk remains, provide for the use of personal protective equipment and clothing;

(c) measures to deal with accidents and emergencies including first aid and access to appropriate transportation and medical facilities;

(d) procedures to record and notify accidents and diseases;

(e) appropriate measures to protect persons present at an agricultural site, the population in the vicinity of it and the surrounding general environment, from risks which may arise from the agricultural activity concerned, such as those due to agrochemical waste, livestock waste, soil and water contamination, soil depletion and topographic changes; and

(f) measures to ensure that the technology used is adapted to climate, work organization and working practices.

30. To give effect to Point 12(2), measures should be taken to ensure that technology, machinery and equipment, including personal protective equipment are adapted to the needs of the importing countries.

Sound management of chemicals

31. (1) The measures envisaged concerning the sound management of chemicals in agriculture should be taken in the light of the principles of the Chemicals Convention and Recommendation, 1990, and other relevant international technical standards.

(2) In particular, preventive and protective measures to be taken at the enterprise level, should include:

(a) adequate washing facilities for those using chemicals and for the maintenance and cleaning of personal protective and application equipment;

(b) spraying and post-spraying precautions in areas treated with chemicals;

(c) a safe system for the treatment and disposal of hazardous wastes; and

(d) a safe system of recycling and disposal of chemical containers.

Agricultural facilities

32. To give effect to Point 17, the safety and health requirements concerning agricultural facilities should specify technical standards for buildings, installations, rails, fences and confined spaces.

Animal handling

33. To give effect to Point 18, measures for the handling of animals should include:

(a) control and testing of livestock, at regular intervals, for all diseases transmissible to humans;

(b) immunization, as appropriate, of workers handling animals;

(c) provision of appropriate protective equipment, water supply facilities, disinfectants, first aid and poison antidotes in case of contact with poisonous animals and insects; and

(d) safety precautions in the handling and disposal of carcasses of infected animals, including the careful cleaning and disinfection of contaminated premises.

IV. Other provisions

Self-employed farmers

34. (1) Measures should be taken by the competent authority to ensure that self-employed farmers enjoy safety and health protection that is equivalent to that provided to other workers in agriculture.

(2) These measures should include guidelines, appropriate advice and training to self-employed farmers to ensure:

(a) their safety and health and the safety and health of those working with them as regards work-related hazards, the selection and use of chemicals and of biological agents, the selection, use and maintenance of personal protective equipment, machinery, tools and appliances; and

(b) that children are not engaged in hazardous activities.

(3) In giving effect to paragraph (1) above, account should be taken of the special situation of self-employed farmers such as:

(a) small tenants and sharecroppers;

(b) small owner-operators;

(c) persons participating in agricultural collective enterprises, such as members of farmers' cooperatives;

(d) members of the family of the owner-operator of the undertaking, in accordance with national laws or regulations; and

(e) other self-employed workers in agriculture, according to national law and practice.

Welfare and accommodation facilities

35. To give effect to Point 21, employers should provide, as appropriate, to workers in agriculture:

(a) an adequate supply of drinking water;

(b) facilities for the storage of protective clothing;

(c) facilities for eating meals;

(d) separate sanitary and washing facilities for men and women workers;

(e) adequate accommodation; and

(f) transportation to and from the workplace.

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